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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## LOK SABHA

The following Bills were introduced in Lok Sabha on 24th July, 2023:—

### BILL NO. 83 OF 2023

A Bill to provide for regulation and maintenance of standards of education and services by nursing and midwifery professionals, assessment of institutions, maintenance of a National Register and State Registers and creation of a system to improve access, research and development and adoption of latest scientific advancement and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

1. (1) This Act may be called the National Nursing and Midwifery Commission Act, 2023.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Autonomous Board" means any of the Autonomous Boards constituted under section 11;

(b) "Chairperson" means the Chairperson of the National Nursing and Midwifery Commission appointed under section 4;

(c) "Fund" means the National Nursing and Midwifery Commission Fund referred to in section 38;

(d) "midwifery" means a skilled, knowledgeable, and compassionate care for childbearing women, new-born infants and families across the continuum from pre-pregnancy, pregnancy, birth, postpartum and the early weeks of life and includes—

(i) preventive measures;

(ii) promotion of normal birth;

(iii) detection of complications in mother and child;

(iv) accessing of medical care or other appropriate assistance;

(v) appropriate and timely referrals; and

(vi) carrying out emergency measures as per the scope of practice as specified by the National Nursing and Midwifery Commission;

(e) "midwifery associate" means a member of the health team, who has acquired the recognised qualification and is granted licence to practice as midwifery associate by the National Nursing and Midwifery Commission, who—

(i) assists doctors or nurse practitioners in midwifery in the delivery of babies; and

(ii) provides care during pregnancy, labour and postpartum period and instruct parents in baby care as per the scope of practice specified by the National Nursing and Midwifery Commission;

(f) "midwifery professional" means a person who has obtained the recognised basic or advance qualification and is granted licence to practise by the National Nursing and Midwifery Commission;

(g) "National Commission" means the National Nursing and Midwifery Commission constituted under section 3;

(h) "National Register" means the Indian Nurses and Midwives' Register maintained by the Nursing and Midwifery Ethics and Registration Board under section 25;

(i) "notification" means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variation and cognate expressions shall be construed accordingly;

(j) "nurse" means a healthcare professional who—

(i) has completed a formally recognised programme of basic, generalised nursing education and who has acquired the requisite qualification and is granted licence to practice nursing by the National Nursing and Midwifery Commission; and

(ii) demonstrates competency in the practice of nursing;

(k) "nurse practitioner" means a licensed nurse who—

(i) has completed a formally recognised advanced education and training programme and has acquired the requisite qualification and is granted licence to practice by the National Commission; and

(ii) demonstrates clinical competencies for the scope of practice, complex decision making and have expert knowledge in the area of specialisation;

(l) "nurse practitioner in midwifery" means a licensed nurse, who—

(i) has completed a formally recognised advanced education and training programme and who has acquired the requisite qualification and is granted licence to practice by the National Commission; and

(ii) demonstrates clinical competency for the scope of practice, complex decision making and have expert knowledge in the area of specialisation;

(m) "nursing" means the autonomous and collaborative care of individuals of all ages, families, groups and communities, sick or well and includes the promotion of health, prevention of illness, care of physically ill, mentally ill, disabled and dying people in all healthcare and other community settings by—

(i) carrying out healthcare teaching;

(ii) participating fully as a member of the healthcare team; and

(iii) supervising and training nursing and healthcare auxiliaries, additional key nursing roles including advocacy, promotion of a safe environment, research, participation in shaping health policy, in-patient health systems management and education;

(n) "Nursing and Midwifery Assessment and Rating Board" means the Nursing and Midwifery Assessment and Rating Board constituted under clause (b) of sub-section (1) of section 11;

(o) "Nursing and Midwifery Ethics and Registration Board" means the Nursing and Midwifery Ethics and Registration Board constituted under clause (c) of sub-section (1) of section 11;

(p) "nursing and midwifery institution" means an educational and training institution or a research institution within India, recognised under this Act, which grants diploma or undergraduate or postgraduate or any other post degree diploma or certificate in nursing and midwifery, and includes affiliated colleges and deemed to be Universities;

(q) "nursing and midwifery leader" means any nursing or midwifery professional, who is the Dean of a nursing educational institution, or Principal or Vice-Principal of a college of nursing, or Nursing Superintendent, or Chief Nursing Officer of the Nursing and Midwifery Department, in any institution or healthcare facility and possessing such qualifications and experience as may be prescribed;

(r) "Nursing and Midwifery Undergraduate and Postgraduate Education Board" means the Nursing and Midwifery Undergraduate and Postgraduate Education Board constituted under clause (a) of sub-section (1) of section 11;

(s) "nursing associate" means a member of the health team, who has acquired the recognised qualification and is granted licence to practice as nursing associate by the National Commission, who provides care for the sick and injured including those in need of nursing care in varied health settings within his authorised scope of practice;

(t) "nursing professional" means a nurse registered with the National Commission, having basic or advance qualification and includes a nurse practitioner in any speciality;

(u) "prescribed" means prescribed by rules made under this Act;

(v) "qualification" means the level of courses such as diploma, undergraduate degree, postgraduate degree and higher qualification including certification courses, inclusive of the specified curriculum of such courses or programmes;

(w) "recognised nursing and midwifery qualification" means a nursing and midwifery qualification recognised under section 28 or section 29 or section 32, as the case may be;

(x) "registered professional" means any associate or professional in nursing and midwifery who is registered with any of the State Commissions or, as the case may be, the National Commission under section 25;

(y) "regulations" means the regulations made by the National Commission under section 52;

(z) "State Commission" means the State Nursing and Midwifery Commission constituted under section 23;

(za) "State Register" means the State Register for Nursing Professionals and Midwifery Professionals or the State Register for Nurse Associates and Midwifery Associates, maintained by State Commission under section 25;

(zb) "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes an institution declared to be deemed University under section 3 of that Act. 3 of 1956.

## CHAPTER II

### NATIONAL NURSING AND MIDWIFERY COMMISSION

National  
Nursing and  
Midwifery  
Commission.

3. (1) The Central Government shall constitute a Commission, to be known as the National Nursing and Midwifery Commission, with effect from such date as it may, by notification, appoint, for exercising such powers and discharging such duties as are laid down under this Act.

(2) The National Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the National Commission shall be at New Delhi.

Composition  
of National  
Commission.

4. The National Commission shall consist of a Chairperson, sixteen *ex officio* Members and twelve Members as follows, namely:—

(a) a person having outstanding ability, proven administrative capacity and integrity and possessing a postgraduate degree in nursing and midwifery profession from any University with experience of not less than twenty years in the field of nursing and midwifery, out of which at least ten years shall be as a nursing and midwifery leader, to be appointed by the Central Government—Chairperson;

(b) one representative of the Department of Health and Family Welfare, Ministry of Health and Family Welfare, not below the rank of Joint Secretary to the Government of India who is in-charge of nursing and midwifery—Member, *ex officio*;

(c) one representative of the Ministry of Defence not below the rank of Additional Director General, Military Nursing Services to the Government of India in the Directorate General of Armed Forces Medical Services—Member, *ex officio*;

(d) one representative of the Directorate General of Health Services not below the rank of Additional Director General—Member, *ex officio*;

(e) one person representing the National Medical Commission not below the rank of Deputy Secretary to the Government of India—Member, *ex officio*;

(f) President of each of the Autonomous Boards constituted under section 11—Member, *ex officio*;

(g) three persons, not below the rank of Chief Nursing Officer or Nursing Superintendent of any of the hospitals or Dean or Principal of College of Nursing, as the case may be, to be nominated by the Central Government from Central Government hospitals or Nursing and Midwifery Institutions of repute in such manner as may be prescribed—Member, *ex officio*;

(h) one person from each of the six zones, as may be prescribed, not below the rank of Chairperson, who shall be a nursing and midwifery professional, representing the State Commissions, on biennial rotation in the alphabetical order as per the zonal distribution of States and Union territories, to be nominated in such manner as may be prescribed—Member, *ex officio*;

(i) six nursing members of eminence, one from each of the six zones, as may be prescribed, from nursing and midwifery profession of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of nursing and midwifery from any University and having experience of not less than fifteen years in the field of nursing and midwifery, out of which at least seven years shall be as a nursing and midwifery leader, to be nominated by the State Governments in such manner as may be prescribed—Members:

Provided that the States and Union territories represented under clauses (h) and (i) shall be distinct;

(j) four nursing and midwifery members of eminence, of which at least two shall be midwifery professionals, of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of nursing and midwifery from any University and having experience of not less than fifteen years in the field of nursing and midwifery, out of which at least seven years shall be as a nursing and midwifery leader, to be nominated by the Central Government in such manner as may be prescribed—Members;

(k) one person representing charitable institutions engaged in education or services in the field of nursing and midwifery and having such qualification and experience, to be appointed by the Central Government in such manner as may be prescribed—Member; and

(l) a person of eminence to be appointed by the Central Government, in such manner as may be prescribed, from amongst persons of ability, integrity and standing, who have special knowledge and professional experience in such areas including management, law, medical ethics, health research, consumer or patient rights advocacy, science and technology and economics—Member.

5. (I) The Central Government shall appoint—

(i) the Chairperson and Members referred to in clauses (a), (j), (k) and (l) of section 4;

(ii) the Secretary referred in sub-section (2) of section 8; and

(iii) the President and Members of Autonomous Boards referred in sub-sections (3), (4) and (5) of section 12,

Search-cum-  
Selection  
Committee for  
appointment  
of Chairperson  
and Members  
of National  
Commission.

on the recommendations of a Search-cum-Selection Committee consisting of—

(a) the Secretary, Ministry of Health and Family Welfare—Chairperson;

(b) four nursing and midwifery experts possessing outstanding qualifications and experience of not less than twenty-five years in the field of nursing and midwifery education, public health nursing education and nursing health research, to be nominated by the Central Government in such manner as may be prescribed—Members;

(c) one person, possessing outstanding qualifications and experience of not less than twenty-five years in the field of management or law or economics or science and technology, to be nominated by the Central Government in such manner as may be prescribed—Member; and

(d) an Additional Secretary or a Joint Secretary to the Government of India in-charge of nursing in the Ministry of Health and Family Welfare, to be the Convenor—Member.

(2) The Central Government shall, within one month from the date of occurrence of any vacancy, including by reason of death, resignation or removal of the Chairperson or Secretary or a Member, or within three months before the end of tenure of the Chairperson or Secretary or Member, make a reference to the Search-cum-Selection Committee for filling up of the vacancy.

(3) The Search-cum-Selection Committee shall recommend a panel of at least three names for each vacancy.

(4) The Search-cum-Selection Committee shall, before recommending any person for appointment of the Chairperson or Secretary or Member, satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Secretary or Member.

(5) No appointment of the Chairperson or Secretary or Member of the National Commission or, as the case may be, the President or Member of the Autonomous Boards, shall be invalid merely by reason of any vacancy or absence of a Member in the Search-cum-Selection Committee.

(6) Subject to the provisions of sub-sections (2) to (5), the Search-cum-Selection Committee may regulate its own procedure.

Term of office and conditions of service of Chairperson and Members of National Commission.

6. (1) The Chairperson, Secretary and Members of the National Commission referred to in clauses (i), (j), (k) and (l) of section 4, shall hold office for a term not exceeding four years, as the Central Government may notify in this behalf, from the date on which they enter upon their office and shall not be eligible for any extension or reappointment.

(2) A person who has completed the age of sixty-five years on the date of application shall not be eligible for the post of Member of the National Commission.

(3) The term of office of an *ex officio* Member shall continue as long as such Member holds the office by virtue of which he is a Member.

(4) Where a Member appointed to the National Commission under clause (i) or clause (j) or clause (k) or clause (l) of section 4, is absent from three consecutive ordinary meetings of the National Commission and the cause of such absence is not attributable to any valid reason in the opinion of the National Commission, such Member shall be deemed to have vacated the seat.

(5) The Chairperson of the National Commission and the Members of the National Commission referred to in clauses (i), (j), (k) and (l) of section 4, shall receive such salaries or travelling and other allowances as may be prescribed.

(6) Notwithstanding anything contained in sub-section (1), the Chairperson or a Member of the National Commission referred to in clauses (i), (j), (k) and (l) of section 4, may—

(a) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 7:

Provided that, if the Central Government so decides, such person may be relieved from duties earlier than three months or be allowed to continue beyond three months until a successor is appointed.

(7) The Chairperson and every Member of the National Commission shall make declaration of his assets and liabilities at the time of entering upon his office and at the time of demitting office and also declare his professional and commercial engagement or involvement in such form and manner as may be prescribed, and the said declaration shall be published on the website of the National Commission.



(8) The Chairperson or a Member of the National Commission referred to in clauses (i), (j), (k) and (l) of section 4, ceasing to hold office as such, shall not accept, for a period of two years from the date of demitting such office, any employment, in any capacity including as a consultant or an expert, in any private nursing and midwifery institution, whose matter has been dealt with by such Chairperson or Member, either directly or indirectly:

Provided that nothing contained herein shall be construed as preventing such person from accepting an employment in a body or institution, including nursing and midwifery institution, controlled or maintained by the Central Government or a State Government:

Provided further that nothing contained herein shall prevent the Central Government from permitting the Chairperson or a Member of the National Commission to accept any employment in any capacity, including as a consultant or expert in any private nursing and midwifery institution whose matter has been dealt with by such Chairperson or Member.

7. (1) The Central Government may, by order, remove from office, the Chairperson or any other Member of the National Commission, who—

Removal of  
Chairperson  
or Member of  
National  
Commission.

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a Member; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(f) has so misused his position as to render his continuance in office prejudicial to the public interest.

(2) No Member shall be removed under clauses (e) and (f) of sub-section (1) unless he has been given a reasonable opportunity of being heard.

8. (1) There shall be a secretariat for the National Commission to be headed by a Secretary, to be appointed by the Central Government in accordance with the provisions of section 5.

Secretary and  
other  
employees of  
National  
Commission.

(2) The Secretary of the National Commission shall be a person of outstanding ability, proven administrative capacity and integrity, possessing such qualifications and experience, as may be prescribed.

(3) The Secretary shall hold the office for a term of four years and shall not be eligible for any extension or reappointment.

(4) The Secretary shall also be the Member Secretary of each of the Autonomous Boards constituted under section 11.

(5) The Secretary shall discharge such functions of the National Commission and that of each of the Autonomous Boards constituted under section 11, as may be specified by regulations.

(6) The National Commission may, for the optimum discharge of its functions under this Act, appoint such officers, and other employees of the National Commission other than the Secretary, as it considers necessary, against the posts created by the Central Government as recommended by the National Commission.

(7) The salaries and allowances payable to and other terms and conditions of service of the Secretary, officers and other employees of the National Commission shall be such, as may be prescribed.

(8) The National Commission may engage, in accordance with the procedure, such number of experts, consultants and professionals of integrity and outstanding ability, as may be specified by regulations, who have special knowledge of, and experience in such fields, including nursing and midwifery education, public health nursing, management, health economics, quality assurance, patient advocacy, nursing research, science and technology, administration, finance, information technology, statistics, nursing informatics, accounts and law, as it deems necessary, to assist the National Commission in the discharge of its functions under this Act.

(9) The National Commission may also invite, in accordance with the procedure, such number of experts and domain specialists from foreign countries to the meetings of the National Commission, as may be specified by regulations, who have special knowledge of nursing and midwifery curriculum, practical training and pattern of examination including licentiate examination of the relevant foreign country, as it deems necessary, to facilitate global mobility and employability of registered professional.

Meetings of  
National  
Commission,  
administration,  
etc.

**9.** (1) The National Commission shall meet at least once in every quarter at such time and place as may be appointed by the Chairperson.

(2) The Chairperson shall preside over the meeting of the National Commission and if for any reason the Chairperson is unable to attend such meeting, any other Member being the President of an Autonomous Board, as may be nominated by the Chairperson, shall preside over that meeting.

(3) Unless the procedure to be followed at the meetings of the National Commission is otherwise provided by regulations, one-half of the total number of Members of the National Commission including the Chairperson shall constitute the quorum at the meeting of the National Commission and all the acts of the National Commission shall be decided by a majority of the Members, present and voting and in the event of equality of votes, the Chairperson, or in his absence, the President of the Autonomous Board nominated under sub-section (2), shall have the casting vote.

(4) The general superintendence, direction and control of the administration of the National Commission shall vest in the Chairperson.

(5) No act done by the National Commission shall be questioned on the ground of the existence of a vacancy in, or a defect in the constitution of, the National Commission.

Powers and  
functions of  
National  
Commission.

**10.** (1) The National Commission shall take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services, with periodic revisions, as may be specified by regulations.

(2) The National Commission may make regulations for the purposes of performing the following functions, namely:—

(a) to frame policies and regulate standards for the governance of nursing and midwifery education and training;

(b) to regulate nursing and midwifery institutions, researches, professionals and associates;

(c) to identify and regulate any other category of nursing and midwifery profession;

(d) to provide basic standards of education, physical and instructional facilities, assessment, examination, training, research, continuing professional education and maximum tuition fee payable in respect of various categories;

(e) to provide standards for nursing and midwifery faculty and clinical facility in teaching institutions;

(f) to provide for a uniform mechanism for admission into the nursing and midwifery institutions at various levels.

*Explanation.*—For the purposes of this clause, it is clarified that the authority as may be designated by the Central Government shall make admissions into nursing



and midwifery institutions in such uniform manner at all India level, and the authority as may be designated by the State Government shall make admissions in the same manner into nursing and midwifery institutions at State level;

(g) to provide for a mechanism, either through final year undergraduate exam or otherwise, to ensure adequate competence of the nursing and midwifery professionals for enrolment in the National Register or State Register, as the case may be, and for granting licence to practice as a nursing and midwifery professional;

(h) to collaborate with industry and other institutions for use of cutting-edge technology and hybrid education to drive innovation and research in the field of nursing and midwifery;

(i) to integrate soft skills and elective courses in the curriculum of nursing and midwifery qualifications and to take measures to enhance skills and competency of registered professional for facilitating global mobility;

(j) to assess the nursing and midwifery requirements in healthcare, including human resources for various healthcare settings, provide mechanisms for career development pathways for all nursing and midwifery related cadres including appropriate lateral entry as applicable and advise the Central Government on matters pertaining thereto;

(k) to ensure policies and codes to ensure observance of professional ethics in nursing and midwifery profession and to promote ethical conduct during the provision of care by nursing and midwifery professionals, including nursing associates and midwifery associates;

(l) to promote, co-ordinate and frame guidelines and lay down policies for the proper functioning of the National Commission, the Autonomous Boards, the Advisory Council and the State Commissions;

(m) to ensure coordination among the Autonomous Boards;

(n) to take such measures, as may be necessary, to ensure compliance of the guidelines framed and regulations made under this Act by the State Commissions for their effective functioning;

(o) to exercise appellate jurisdiction with respect to the decisions of Autonomous Boards; and

(p) to perform such other functions as may be prescribed.

(3) The National Commission may delegate such of its functions, except the power to make regulations, to the Autonomous Boards as it may deem necessary.

(4) The National Commission shall, at least once a year, hold a meeting with the National Medical Commission, Pharmacy Council of India, National Commission for Indian System of Medicine, National Commission for Homoeopathy and National Commission for Allied and Healthcare Professions, or the corresponding National Regulator for regulating the said professions, at such time and place as they mutually appoint, to enhance the interface between different workforce categories in modern system of medicine, develop consensus on issues and promote team based approach to healthcare delivery.

(5) Every order and decision of the National Commission shall be authenticated by the signature of its Secretary.

(6) The National Commission may delegate such of its powers of administrative and financial matters, as it deems fit, to its Secretary.

(7) The National Commission may constitute sub-committees and delegate such of its powers to such sub-committees as may be necessary to enable them to accomplish specific tasks.

### CHAPTER III

#### AUTONOMOUS BOARDS

11. (1) The Central Government shall, by notification, constitute the following Autonomous Boards, under the overall supervision of the National Commission, to perform the functions assigned to such Boards under this Act, namely:—

Autonomous  
Boards.

(a) the Nursing and Midwifery Undergraduate and Postgraduate Education Board;

(b) the Nursing and Midwifery Assessment and Rating Board; and

(c) the Nursing and Midwifery Ethics and Registration Board.

(2) Every Autonomous Board referred to in sub-section (1) shall be an autonomous body which shall carry out its functions under this Act in such manner as may be specified by regulations.

Composition  
of  
Autonomous  
Boards.

**12.** (1) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall have not more than two whole-time Members and not more than two part-time Members other than a President.

(2) The Nursing and Midwifery Assessment and Rating Board and the Nursing and Midwifery Ethics and Registration Board shall consist of a President, not more than two whole-time Members and not more than two part-time Members.

(3) The President of each Autonomous Board, two whole-time Members and one part-time Member of Nursing and Midwifery Undergraduate and Postgraduate Education Board, and one whole-time Member and one part-time Member of Nursing and Midwifery Assessment and Rating Board and Nursing and Midwifery Ethics and Registration Board, shall be persons of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of nursing and midwifery from any University and having experience of not less than fifteen years, out of which at least seven years shall be as a nursing and midwifery leader to be appointed by the Central Government on the recommendations of the Search-cum-Selection Committee constituted under section 5.

(4) The second whole-time Member of the Nursing and Midwifery Assessment and Rating Board, to be appointed by the Central Government on the recommendations of the Search-cum-Selection Committee constituted under section 5, shall be a person of outstanding ability and integrity, possessing a postgraduate degree in any of the disciplines of management, quality assurance, law or science and technology from any University, having hands on clinical experience of not less than fifteen years in such field, out of which at least seven years shall be as the Head of a Department or the Head of an Institute or an organisation.

(5) The second whole-time Member of the Nursing and Midwifery Ethics and Registration Board, to be appointed by the Central Government on the recommendations of the Search-cum-Selection Committee constituted under section 5, shall be a person of outstanding ability who has demonstrated public record of work on nursing or medical ethics or a person of outstanding ability possessing a postgraduate degree in any of the disciplines of quality assurance, public health, law or patient advocacy from any University and having experience of not less than fifteen years in such field, out of which at least seven years shall be as the Head of a Department or the Head of an Institute or an organisation.

(6) The second part-time Member of the Nursing and Midwifery Assessment and Rating Board, the Nursing and Midwifery Ethics and Registration Board and the Nursing and Midwifery Undergraduate and Postgraduate Education Board, shall be chosen from amongst the nursing and midwifery Members representing the State Commissions under clause (h) of section 4, in such manner as may be prescribed.

Term of office  
and conditions  
of service of  
President and  
Members.

**13.** (1) The President and the whole-time Members of each Autonomous Board shall hold office for a term not exceeding four years and shall not be eligible for any extension or reappointment:

Provided that the part-time Members of each Autonomous Board shall hold the office for a term of two years:

Provided further that a Member should be less than sixty-five years of age on the date of application for the office of Member.

(2) The vacancies of each Autonomous Board shall be filled in such manner as may be prescribed.

(3) The salaries and allowances payable to, and other terms and conditions of service of the President and the whole-time Members of an Autonomous Board shall be such as may be prescribed.

(4) Every part-time Member of an Autonomous Board shall be entitled for such allowances as may be prescribed.

(5) The provisions of sub-sections (4), (5), (6), (7) and (8) of section 6 relating to other terms and conditions of service, and section 7 relating to removal from the office, of the Chairperson and Members of the National Commission shall *mutatis mutandis* apply to the President and Members of the Autonomous Boards.

**14.** (1) Each Autonomous Board, except the Nursing and Midwifery Ethics and Registration Board, shall be assisted by such advisory committees consisting of experts as may be constituted by the National Commission, for the efficient discharge of the functions of such Autonomous Board.

Advisory committees of experts.

(2) The Nursing and Midwifery Ethics and Registration Board shall be assisted by such ethics committees of experts as may be constituted by the National Commission for the efficient discharge of the functions of such Autonomous Board.

**15.** (1) The experts, consultants, professionals, officers and other employees appointed under section 8 shall be made available to the Autonomous Boards in such number and manner, as may be specified by regulations.

Staff of Autonomous Boards.

(2) The foreign experts and domain specialists from foreign countries invited by the National Commission under section 8 shall also be made available to the Autonomous Boards in such number and manner, as may be specified by regulations.

**16.** (1) Every Autonomous Board shall meet at least once in a month at such time and place as it may appoint.

Meetings, etc., of Autonomous Boards.

(2) Every decision of the Autonomous Boards shall be made by majority of votes of its respective President and Members.

(3) Subject to the provisions of section 21, a person aggrieved by any decision of an Autonomous Board, may prefer an appeal to the National Commission against such decision within thirty days of the communication of that decision and the National Commission shall, after giving an opportunity of being heard, dispose of the appeal within a period of sixty days from the date of such appeal.

**17.** (1) The President of each Autonomous Board shall have such administrative and financial powers as may be delegated to it by the National Commission to enable such Autonomous Board for optimum functioning.

Powers of Autonomous Boards and delegation of powers.

(2) The President of an Autonomous Board may further delegate any of his powers to a Member or an officer of such Autonomous Board.

**18.** (1) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall perform the following functions, namely:—

Powers and functions of Nursing and Midwifery Undergraduate and Postgraduate Education Board.

(a) determine the minimum requirements and standards of nursing and midwifery education and examination at undergraduate level and postgraduate level, in such manner as may be specified by regulations, and oversee all aspects relating thereto;

(b) develop dynamic competency based curriculum at undergraduate level and postgraduate level, in such manner as may be specified by regulations, with a view to develop appropriate skill, knowledge, attitude, values and ethics to provide healthcare, impart nursing and midwifery education and conduct research:

Provided that the competencies shall be aligned with the needs of the national health programme, across continuum of care in varied healthcare settings in order to ensure optimum healthcare delivery system;

(c) prescribe qualifications at the undergraduate level and postgraduate level in nursing and midwifery and such other particulars, as may be specified by regulations;

(d) prescribe standards for setting up of nursing and midwifery institutions for imparting undergraduate and postgraduate courses, having regard to the needs of the country and the global norms, in such manner as may be specified by regulations;

(e) determine the standards and norms for infrastructure, faculty and quality of education in nursing and midwifery institutions providing undergraduate and postgraduate nursing and midwifery education, in such manner as may be specified by regulations;

(f) facilitate development and training of faculty members for teaching, research as well as international student and faculty exchange programmes relating to undergraduate, nursing and midwifery education;

(g) specify norms for compulsory annual disclosures, clinical facilities, faculty, digitally or otherwise, by nursing and midwifery institutions, in respect of their functions that has a bearing on the interest of all stakeholders including students, faculty, State Commissions, the National Commission and the Central Government;

(h) regulate the standards and scope of practice of registered nursing and midwifery professionals, including nurse practitioners, nursing associates and midwifery associates who have obtained the nursing and midwifery qualification as provided by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, in such manner as may be specified by regulations; and

(i) regulate, in consultation with the National Medical Commission, the limited prescribing authority for nurse practitioners in all specialities, who have obtained the requisite nursing and midwifery qualification and qualify such criteria as may be provided by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, in such manner as may be specified by regulations.

(2) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall, in the discharge of its duties, make such recommendations to, and seek such directions from, the National Commission, as it may deem necessary.

**19. (1)** The Nursing and Midwifery Assessment and Rating Board shall perform the following functions, namely:—

(a) the procedure for assessing and rating the nursing and midwifery institutions for their compliance with the standards laid down by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, shall be such as may be specified by regulations;

(b) grant permission for establishment of a new nursing and midwifery institution, or to start any postgraduate level or higher qualification course, or to increase number of seats, in accordance with the provisions of section 21;

(c) conduct inspections of nursing and midwifery institution for assessing and rating such institutions in such manner as may be specified by regulations:

Provided that the Nursing and Midwifery Assessment and Rating Board may, if it deems necessary, hire and authorise any other inspection agency or accreditation body or persons for conducting inspections of nursing and midwifery institutions for assessing and rating such institutions:

Provided further that where inspection of nursing and midwifery institution is conducted by such inspection agency or accreditation body or persons authorised by the Nursing and Midwifery Assessment and Rating Board, it shall be obligatory on such institution to provide access to such agency or person:

Provided also that the Nursing and Midwifery Assessment and Rating Board may conduct evaluation and assessment of any nursing and midwifery institution at

any time, either directly or through any other expert having integrity and experience of nursing and midwifery profession and without any prior notice and assess and evaluate the performance, standards and benchmarks of such nursing and midwifery institution;

(d) conduct, or where it deems necessary, empanel independent rating agencies to conduct, assess and rate all nursing and midwifery institutions, within such period of their opening, at such time, and in such manner as may be specified by regulations;

(e) make available on its website or in public domain the assessment and ratings of nursing and midwifery institutions at regular intervals in such manner as may be specified by regulations;

(f) take such measures, including issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the National Commission for withdrawal of recognition, against a nursing and midwifery institution for failure to maintain the minimum essential standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board, in such manner as may be specified by regulations:

Provided that the monetary penalty imposed shall not be less than one-tenth, and not more than five times, of the total amount charged, by whatever name called, by such institution for one full batch of students of undergraduate course or postgraduate course, as the case may be:

Provided further that the Nursing and Midwifery Assessment and Rating Board shall consult the Nursing and Midwifery Undergraduate and Postgraduate Education Board before recommending to the National Commission for withdrawal of recognition of a nursing and midwifery institution that fails to maintain the minimum essential standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board.

(2) The Nursing and Midwifery Assessment and Rating Board shall, in the discharge of its functions, make such recommendations to, and seek such directions from, the National Commission, as it may deem necessary.

**20.** (1) The Nursing and Midwifery Ethics and Registration Board shall perform the following functions, namely:—

Powers and functions of Nursing and Midwifery Ethics and Registration Board.

(a) maintain the National Register for all registered professionals in accordance with the provisions of section 25;

(b) approve or reject applications for registration of professionals governed under this Act;

(c) regulate professional conduct and promote nursing and midwifery ethics in such manner as may be specified by regulations:

Provided that the Nursing and Midwifery Ethics and Registration Board shall ensure compliance of the code of professional and ethical conduct through the State Commission in a case where such State Commission has been conferred power to take disciplinary action in respect of professional or ethical misconduct by nursing and midwifery professionals under this Act;

(d) develop mechanisms to have continuous interaction with State Commissions to effectively promote and regulate the conduct of nursing and midwifery professionals;

(e) exercise appellate jurisdiction with respect to the actions taken by a State Commission under section 24; and

(f) provide for mechanisms for receiving complaints and grievance redressal.

(2) The Nursing and Midwifery Ethics and Registration Board shall, in the discharge of its duties, make such recommendations to, and seek such directions from, the National Commission, as it may deem necessary.



Permission for establishment of new nursing or midwifery institution.

**21.** (1) No person shall establish a new nursing and midwifery institution, or start any postgraduate course, or increase number of seats, without obtaining prior permission of the Nursing and Midwifery Assessment and Rating Board:

Provided that the Nursing and Midwifery Assessment and Rating Board shall consult the Nursing and Midwifery Undergraduate and Postgraduate Education Board before according or refusing to accord such permission.

(2) For the purposes of obtaining permission under sub-section (1), a person may submit a proposal to the Nursing and Midwifery Assessment and Rating Board in such form, containing such particulars, accompanied by such fee, and in such manner, as may be specified by regulations.

(3) The Nursing and Midwifery Assessment and Rating Board shall, having due regard to the criteria specified in section 22, consider the proposal received under sub-section (2) and either approve or disapprove such proposal within a period of six months from the date of such receipt:

Provided that before disapproving such proposal, an opportunity to rectify the defects, if any, shall be given to the person concerned.

(4) Where a proposal is approved under sub-section (3), such approval shall be deemed to be the permission under sub-section (1) to establish a new nursing and midwifery institution or start any postgraduate course or increase number of seats, as the case may be.

(5) Where a proposal is disapproved under sub-section (3), or where no decision is taken within six months of submitting a proposal under sub-section (2), the person concerned may prefer an appeal to the National Commission for approval of that proposal within fifteen days of such disapproval or, as the case may be, lapse of six months, in such manner as may be specified by regulations.

(6) The National Commission shall decide the appeal received under sub-section (5) within a period of forty-five days from the date of receipt of the appeal and in case the National Commission approves the proposal, such approval shall be the permission under sub-section (1) to establish a new nursing and midwifery institution or start any postgraduate course or increase number of seats, as the case may be, and in case the National Commission disapproves the proposal, or fails to give its decision within the specified period, the person concerned may prefer a second appeal to the Central Government within thirty days of communication of such disapproval or, as the case may be, after the lapse of specified period.

*Explanation.*—For the purposes of this section, the term "person" includes a University, trust or any other association of persons or body of individuals, but does not include the Central Government.

Criteria for approving or disapproving proposal.

**22.** The Nursing and Midwifery Assessment and Rating Board or, as the case may be, the National Commission, shall, while approving or disapproving a proposal under section 21, take into consideration the following criteria, namely:—

(a) adequacy of financial resources;

(b) whether adequate academic faculty and other necessary facilities have been provided to ensure proper functioning of nursing and midwifery institution or will be provided within the time-limit specified in the proposal;

(c) whether adequate hospital facilities have been provided or will be provided within the time-limit specified in the proposal; and

(d) such other factors as may be specified by regulations:

Provided that subject to the previous approval of the Central Government, the criteria may be relaxed for the nursing and midwifery institutions which are set up in such areas as may be specified by regulations.

#### CHAPTER IV

##### STATE NURSING AND MIDWIFERY COMMISSIONS

Constitution and composition of State Nursing and Midwifery Commission.

**23.** (1) Every State Government shall, within one year from the commencement of this Act, by notification, constitute a State Nursing and Midwifery Commission, where no such State Commission exists in that State by a State Law, for exercising such powers and discharging such duties as may be laid down under this Act.



(2) The State Nursing and Midwifery Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(3) The State Commission shall consist of the following Members, namely:—

(a) a person of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in nursing and midwifery from any University and having experience of not less than twenty years in the field of nursing and midwifery, out of which at least ten years shall be as a nursing and midwifery leader, to be nominated by the State Government—Chairperson;

(b) one Director or Additional Director or Joint Director representing nursing in the Health Department of the State Government—Member, *ex officio*:

Provided that if no such position exists in a State, the in-charge for nursing education and services may be appointed as such Member;

(c) two persons not below the rank of Dean or Head of the Department from any nursing or midwifery college or institute of the State Government—Members, *ex officio*;

(d) two persons of eminence, one from nursing and one from midwifery profession having such qualifications and experience as may be prescribed by the State Government, to be nominated by the State Government—Members;

(e) two persons of eminence, one from nursing and one from midwifery associates, to be nominated by the State Government having such qualifications and experience as may be prescribed by the State Government—Members;

(f) two persons, one from nursing and one from midwifery, representing charitable institutions engaged in education or services in connection with nursing and midwifery having such qualifications and experience as may be prescribed by the State Government, to be nominated by the State Government—Members.

(4) The Chairperson, and Members of the State Commission referred to in clauses (a), (d), (e) and (f) of sub-section (3), shall hold office for a term not exceeding four years, as the State Government may notify in this behalf, from the date on which they enter upon their office, and shall not be eligible for any extension or reappointment.

**24.** (1) The State Commission shall take all such steps as it may think fit for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services under this Act.

Functions of  
State  
Commission.

(2) The State Commission may, for the purposes of performing its functions,—

(a) enforce the professional conduct, code of ethics and etiquette to be observed by the nursing and midwifery professionals including associates in the State and take disciplinary action including the removal of name of a professional from the State Register;

(b) ensure standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education as provided by the Autonomous Boards;

(c) maintain the State Registers for registered professionals;

(d) issue certification of specialisation or other forms of certification to those who practice the profession of nursing and midwifery;

(e) conduct common counselling for admission to nursing associate and midwifery associate courses regulated under this Act;

(f) provide for a skill based examination to ensure adequate competence of Nursing and Midwifery Associates before enrolment in the State Register;

(g) ensure compliance of all the directives issued by the National Commission;

(h) meet with Principals of all colleges of nursing and schools of nursing in the State at least once in every quarter to identify and resolve issues; and

(i) perform such other functions as may be entrusted to it by the State Government or Union territory Administration or the National Commission or as may be necessary for implementation of the provisions of this Act.

(3) Where a State Act confers power upon the State Commission to take disciplinary action in respect of any professional or ethical misconduct by a registered professional, the State Commission shall act in such manner as may be specified by regulations and the guidelines framed under this Act:

Provided that till such time as a State Commission is constituted in a State, the Nursing and Midwifery Ethics and Registration Board shall receive the complaints and grievances relating to any professional or ethical misconduct against a registered professional in that State in accordance with such procedure as may be specified by regulations:

Provided further that the Nursing and Midwifery Ethics and Registration Board or the State Commission, as the case may be, shall give an opportunity of hearing to the registered professional concerned before taking any action, including imposition of any monetary penalty against such person.

(4) A registered professional or any person, who is aggrieved by any action taken by a State Commission under sub-section (3), may prefer an appeal to the Nursing and Midwifery Ethics and Registration Board within a period of sixty days against such action, and the Nursing and Midwifery Ethics and Registration Board shall decide on the appeal within a period of sixty days, and the decision of the Nursing and Midwifery Ethics and Registration Board thereupon shall be binding on the State Commission, unless a second appeal is preferred under sub-section (5).

(5) A registered professional or any person, who is aggrieved by the decision of the Nursing and Midwifery Ethics and Registration Board, may prefer a second appeal to the National Commission within a period of sixty days of receipt of communication of such decision and the National Commission shall dispose of such appeal within a period of ninety days from the date of that appeal.

*Explanation.*—For the purposes of this Act, the expressions—

(a) "professional or ethical misconduct" includes any act of commission or omission as may be specified by regulations; and

(b) "State" includes Union territory and the expressions "State Government" and "State Nursing and Midwifery Commission", in relation to a Union territory, shall respectively mean the "Central Government" and "Union Territory Nursing and Midwifery Commission".

## CHAPTER V

### REGISTRATION

National  
Register and  
State Register.

**25.** (1) The Nursing and Midwifery Ethics and Registration Board shall maintain an online and live Indian Nurses and Midwives' Register containing the name, address, all recognised qualifications possessed by a nursing professional, midwifery professional, nursing associate, midwifery associate and such other particulars as may be specified by regulations.

(2) The Nursing and Midwifery Ethics and Registration Board shall maintain the National Register in such form, including digital form, and in such manner, as may be specified by regulations.

(3) The manner in which a name or qualification may be added to, or removed from, the National Register and the grounds for adding thereto or removal thereof, shall be such as may be specified by regulations.

(4) The National Register shall be a public document within the meaning of section 74 of the Indian Evidence Act, 1872.

(5) The Nursing and Midwifery Ethics and Registration Board shall make available the National Register to the public in the form of a digital portal accessible on the website of the Nursing and Midwifery Ethics and Registration Board in such manner and form as may be specified by regulations.

(6) Every State Commission shall maintain and regularly update, in digital form, the State Register for Nursing Professionals and Midwifery Professionals and the State Register for Nursing Associates and Midwifery Associates in the specified digital format and supply a physical copy of the same to the Nursing and Midwifery Ethics and Registration Board within three months of the commencement of this Act.

(7) The Nursing and Midwifery Ethics and Registration Board shall ensure dynamic and electronic synchronisation of the National Register and the State Registers in such a manner that any change in one register is automatically reflected in the other register.

**26.** (1) Any person having a recognised nursing and midwifery qualification shall have his name and qualifications enrolled in the National Register or the State Register for Nursing and Midwifery Professionals, as the case may be, and shall be granted a licence to practice in such manner and following such procedures, as may be specified by regulations:

Rights of persons to have licence to practice and to be enrolled in National Register or State Register for Nursing and Midwifery Professionals and their obligations thereto.

48 of 1947.

Provided that a person, who has been registered in the Nurses Register maintained under the Indian Nursing Council Act, 1947 prior to the coming into force of this Act, shall be deemed to have been registered under this Act and be enrolled in the National Register or the State Register for Nursing and Midwifery Professionals, as the case may be, maintained under this Act.

(2) A citizen of India, who has obtained a nursing and midwifery qualification recognised under section 29 or section 32 from a nursing and midwifery institution established in a country outside India, shall be entitled for registration under this Act in such manner as may be specified by regulations.

(3) When a person, whose name is entered in the National Register or any State Register, as the case may be, obtains any title, diploma or other qualification for proficiency in nursing sciences or public health nursing, which is a recognised nursing and midwifery qualification under section 28 or section 29, as the case may be, he shall be entitled to have such title, diploma or qualification entered against his name in the National Register or the same State Register, as the case may be, in such manner as may be specified by regulations.

(4) The registration and licence granted under this section shall be renewed in such manner as may be specified by regulations.

**27.** (1) No person, other than a person who is enrolled in the National Register or State Register, shall—

Bar to practice.

(a) be allowed to practice nursing or midwifery as a qualified nursing or midwifery professional or nursing or midwifery associate;

(b) be entitled to give evidence at any inquest or in any court of law as an expert under section 42 of the Indian Evidence Act, 1872 on any matter relating to nursing and midwifery:

1 of 1872.

Provided that a foreign citizen who is enrolled in his country as a nursing and midwifery professional in accordance with the law regulating the registration of nursing and midwifery professional in that country may be permitted temporary registration in India for such period and in such manner as may be specified by regulations.

(2) Any person who contravenes any of the provisions of this section shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five lakh rupees, or with both.

## CHAPTER VI

## RECOGNITION OF NURSING AND MIDWIFERY QUALIFICATIONS

Recognition of nursing and Midwifery qualifications granted by Universities or nursing and midwifery institutions in India.

**28.** (1) Every nursing and midwifery qualification granted by any University or nursing and midwifery institution in India shall be listed and maintained by the Nursing and Midwifery Undergraduate and Postgraduate Education Board in such manner as may be specified by regulations, and such nursing and midwifery qualification shall be a recognised nursing and midwifery qualification for the purposes of this Act.

(2) Every University or nursing and midwifery institution in India which conducts any course for nursing or midwifery qualification, not included in the list maintained by the Nursing and Midwifery Undergraduate and Postgraduate Education Board may apply to that Board for granting recognition to such qualification.

(3) The Nursing and Midwifery Undergraduate and Postgraduate Education Board shall examine the application for grant of recognition to an undergraduate or postgraduate or speciality or clinical nurse speciality or nurse practitioner course in all specialities of nursing and midwifery qualification within a period of six months, in such manner as may be specified by regulations.

(4) Where the Nursing and Midwifery Undergraduate and Postgraduate Education Board decides to grant recognition to a nursing and midwifery qualification, it shall include such qualification in the list maintained by it and also specify the date of effect of such recognition.

(5) An institution or University aggrieved by the decision under sub-section (3) may, within sixty days from the communication of such decision, prefer an appeal to the National Commission and the National Commission shall, within a period of sixty days from the date of filing of such appeal, pass such orders as it thinks fit, after giving an opportunity of being heard.

(6) Where the National Commission decides not to grant recognition to the nursing and midwifery qualification or fails to take a decision within the specified period, the University or nursing and midwifery institution concerned may prefer a second appeal to the Central Government within a period of thirty days of the communication of such decision or after the lapse of specified period, as the case may be.

(7) All nursing and midwifery qualifications which have been recognised before the date of commencement of this Act and are included in the Part I and Part II of the Schedule to the Indian Nursing Council Act, 1947, shall also be recognised nursing and midwifery qualifications for the purposes of this Act, and shall be listed and maintained by the Nursing and Midwifery Undergraduate and Postgraduate Education Board in such manner as may be specified by regulations.

48 of 1947.

(8) If any authority within a State, being recognised by the State Government in consultation with the State Commission or any autonomous body, if any, for the purpose of granting any qualification, grants a qualification which is not recognised by the National Commission, then, such authority may apply to the National Commission to have such qualification recognised, and the National Commission may declare that such qualification, or such qualification only when granted after a specified date, shall be a recognised qualification for the purposes of this Act.

(9) Every State Government may, for the purposes of addressing or promoting public health nursing and midwifery practice in rural areas, take necessary measures to enhance the capacity of the nursing and midwifery professionals.

Recognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.

**29.** (1) Where an authority in any country outside India, which by the law of that country is entrusted with the recognition of nursing and midwifery qualifications in that country, makes an application to the National Commission for granting recognition to such nursing and midwifery qualification in India, the National Commission may, subject to such verification as it may deem necessary, either grant or refuse to grant recognition to that nursing and midwifery qualification:

Provided that the National Commission shall give a reasonable opportunity of being heard to such authority before refusing to grant such recognition.

(2) The nursing and midwifery qualification, which is granted recognition by the National Commission under sub-section (1), shall be a recognised nursing and midwifery qualification for the purposes of this Act, and such qualification shall be listed and maintained by the National Commission in such manner as may be specified by regulations:

Provided that practice by a person possessing such qualification shall be permitted in such manner as may be specified by regulations.

(3) Where the National Commission refuses to grant recognition to the nursing and midwifery qualification under sub-section (1), the authority concerned may prefer an appeal to the Central Government against such decision within a period of thirty days of communication thereof and the Central Government shall dispose of the appeal within a period of ninety days from the date of such appeal.

(4) The mutual recognition of the qualifications for reciprocal registration of nursing and midwifery professionals between two countries shall be done in such manner as may be specified by regulations.

**30.** (1) The nursing and midwifery qualifications granted by any statutory or other recognised body in India before the commencement of this Act shall be recognised as nursing and midwifery qualifications in such manner as may be specified by the National Commission for the purposes of this Act.

Recognition of nursing and midwifery qualifications granted by statutory or other body in India.

(2) The Central Government may, on the recommendation of the National Commission, and having regard to the objects of this Act, by notification, add to, or, as the case may be, omit any category of nursing and midwifery qualifications granted by a statutory or other body in India and on such addition, or as the case may be, omission, the nursing and midwifery qualifications granted by such statutory or other body in India shall be, or shall cease to be, recognised nursing and midwifery qualifications for the purposes of this Act.

**31.** (1) Where, upon receiving the recommendations or report from the Nursing and Midwifery Assessment and Rating Board under section 19, or from a State Commission or a State Government or otherwise, if the National Commission is of the opinion that—

Withdrawal of recognition granted to nursing and midwifery qualification granted by nursing and midwifery institutions in India.

(a) the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, a University or nursing and midwifery institution do not conform to the standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board; or

(b) the standards and norms for infrastructure, faculty and quality of education in the nursing and midwifery institution, as determined by the Nursing and Midwifery Undergraduate and Postgraduate Education Board are not adhered to by any University or nursing and midwifery institution, and such University or nursing and midwifery institution has failed to take necessary corrective action to maintain specified minimum standards,

the National Commission may initiate action in accordance with the provisions of sub-section (2).

(2) The National Commission shall, after making such further inquiry as it deems fit, and after holding consultations with the concerned State Government and the authority of the concerned University or nursing and midwifery institution, comes to the conclusion that the recognition granted to a nursing and midwifery qualification ought to be withdrawn, it may, by order, withdraw recognition granted to such qualification and direct the Nursing and Midwifery Undergraduate and Postgraduate Education Board to amend the entries against the University or nursing and midwifery institution concerned in the list maintained by that Board to the effect that the recognition granted to such nursing and midwifery qualification is withdrawn with effect from the date specified in that order.



Special provision in certain cases for recognition of nursing and midwifery qualifications.

**32.** Where the National Commission deems it necessary, it may, by an order published in the Official Gazette, direct that any nursing and midwifery qualification granted by a nursing and midwifery institution in a country outside India, after such date as may be specified in that order, shall be a recognised nursing and midwifery qualification for the purposes of this Act:

Provided that before providing the recognition, the equivalence in terms of curriculum, practical training and number of years of course may be examined in such manner as may be specified by regulations:

Provided further that practice by a person possessing such qualification shall be permitted in such manner as may be specified by regulations.

Derecognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.

**33.** Where, after verification with the authority in any country outside India, the National Commission is of the opinion that a recognised nursing and midwifery qualification which is included in the list maintained by it is to be derecognised, it may, by order, derecognise such nursing and midwifery qualification and remove it from the list maintained by the National Commission with effect from the date of such order.

## CHAPTER VII

### NURSING AND MIDWIFERY ADVISORY COUNCIL

Nursing and Midwifery Advisory Council.

**34. (1)** The Central Government shall constitute an advisory body to be known as the Nursing and Midwifery Advisory Council.

(2) The Nursing and Midwifery Advisory Council (hereafter in this Chapter referred to as the Advisory Council) shall consist of a Chairperson and the following Members, namely:—

(a) the Chairperson of the National Commission shall be the *ex officio* Chairperson of the Advisory Council;

(b) one officer not below the rank of Joint Secretary representing Ministry of Ayush—Member, *ex officio*;

(c) Presidents of the three Autonomous Boards—Members, *ex officio*;

(d) Secretary of the National Commission—Member, *ex officio*;

(e) one person to represent each State and each Union territory who shall be a Dean (Nursing) or Principal of a nursing and midwifery institution in that State or Union territory, as the case may be, or the representative of the State Nursing and Midwifery Commission, to be nominated by that State Government or by the Ministry of Home Affairs, Government of India in the case of Union territory—Member;

(f) the Chairman, University Grants Commission—Member, *ex officio*;

(g) the Director, National Assessment and Accreditation Council—Member, *ex officio*;

(h) one representative from Indian Council of Medical Research not below the rank of Additional Director General—Member, *ex officio*;

(i) three Directors, one each to represent the Indian Institute of Technology, the Indian Institute of Management and the Indian Institute of Science, to be nominated by the Central Government—Members, *ex officio*;

(j) Head of any three national level professional nursing and midwifery association, to be nominated by the Chairperson of the Advisory Council, so that there shall be adequate representation of major stakeholders—Members.

(3) The Members nominated under clauses (e) and (j) of sub-section (2) shall hold office for a term not exceeding four years, as the Central Government may notify in this behalf, from the date on which they enter upon their office.



**35.** (1) The Advisory Council shall be the primary platform through which the States and Union territories may put forth their views and concerns before the National Commission and help in shaping the overall agenda, policy and action relating to nursing and midwifery education, services, training and research.

Functions of  
Nursing and  
Midwifery  
Advisory  
Council.

(2) The Advisory Council shall advise the National Commission on measures to determine and maintain, and to co-ordinate maintenance of, the minimum standards in all matters relating to nursing and midwifery education, services, training and research.

(3) The Advisory Council shall advise the National Commission on measures to enhance equitable access to nursing and midwifery education, services, training and research.

**36.** (1) The Advisory Council shall meet at least once a year at such time and place as may be decided by its Chairperson.

Meetings of  
Nursing and  
Midwifery  
Advisory  
Council.

(2) The Chairperson of the Advisory Council shall preside over the meeting of the Advisory Council and if for any reason the Chairperson is unable to attend a meeting of the Advisory Council, such other Member as may be nominated by the Chairperson shall preside over such meeting.

(3) Unless the procedure is otherwise provided by regulations, two-thirds of the Members of the Advisory Council including the Chairperson shall form the quorum and all acts of the Advisory Council shall be decided by a majority of the Members present and voting.

(4) The Members nominated under clauses (e) and (j) of sub-section (2) of section 34 shall hold office for a term not exceeding four years, as may be notified by the Central Government in this behalf.

## CHAPTER VIII

### GRANTS, AUDIT AND ACCOUNTS

**37.** The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the National Commission grants of such sums of money as the Central Government may think fit.

Grants by  
Central  
Government.

**38.** (1) There shall be constituted a fund to be called the National Nursing and Midwifery Commission Fund, which shall form part of the public account of India and there shall be credited thereto—

National  
Nursing and  
Midwifery  
Commission  
Fund.

(a) all fees, penalties and charges received by the National Commission and the Autonomous Boards;

(b) all sums received by the National Commission from such other sources as may be decided by it.

(2) The Fund shall be applied for making payment towards—

(a) the salaries and allowances payable to the Chairperson, Secretary and Members of the National Commission, the Presidents and Members of the Autonomous Boards and the administrative expenses including the salaries and allowances payable to the officers and other employees of the National Commission and Autonomous Boards;

(b) the expenses incurred in carrying out the provisions of this Act, including in connection with the discharge of the functions of the National Commission and the Autonomous Boards.

**39.** (1) The National Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

Audit and  
accounts.

(2) The accounts of the National Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure

incurred in connection with such audit shall be payable by the National Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the National Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of, and complete access to, records, books, accounts, connected vouchers and other documents and papers and to inspect the office of the National Commission.

(4) The accounts of the National Commission as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the National Commission to the Central Government which shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.

Furnishing of  
returns and  
reports to  
Central  
Government.

**40.** (1) The National Commission shall furnish to the Central Government, at such time, in such form and in such manner, as may be prescribed or as the Central Government may direct, such reports and statements, containing such particulars in regard to any matter under the jurisdiction of the National Commission, as the Central Government may, from time to time, require.

(2) The National Commission shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

## CHAPTER IX

### MISCELLANEOUS

Power of  
Central  
Government  
to give  
directions to  
National  
Commission,  
Autonomous  
Boards and  
Nursing and  
Midwifery  
Advisory  
Council.

**41.** (1) Without prejudice to the provisions of this Act, the National Commission, the Autonomous Boards and the Nursing and Midwifery Advisory Council shall, in exercise of their powers and discharge of their functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to them from time to time:

Provided that the National Commission, the Autonomous Boards and the Advisory Council shall, as far as practicable, be given an opportunity to express their views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not, shall be final.

Power of  
Central  
Government  
to give  
directions to  
State  
Governments.

**42.** The Central Government may give such directions, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions.

Power of  
National  
Commission  
to give  
directions to  
State  
Commissions.

**43.** The National Commission may give such directions, as it may deem necessary, to a State Commission for carrying out all or any of the provisions of this Act and the State Commission shall comply with such directions.

**44.** (1) The National Commission shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.

Information to be furnished by National Commission and publication thereof.

(2) The Central Government may publish, in such manner as it may think fit, the reports, minutes, abstracts of accounts and other information furnished to it under sub-section (1).

**45.** Every University and nursing and midwifery institution governed under this Act shall maintain a website at all times and display on its website all such information as may be required by the National Commission or an Autonomous Board, as the case may be.

Obligation of Universities and nursing and midwifery institutions.

**46.** (1) Notwithstanding anything contained in this Act, any student who was studying for a degree, diploma or certificate in any nursing and midwifery institution, immediately before the commencement of this Act, shall continue to so study and complete his course for such degree, diploma or certificate, and such institution shall continue to provide instructions and examination for such student in accordance with the syllabus and studies as existed before such commencement, and that student shall be deemed to have completed his course of study under this Act and shall be awarded degree, diploma or certificate under this Act.

Completion of courses of studies in nursing and midwifery institutions.

(2) Notwithstanding anything contained in this Act, where recognition granted to a nursing institution has lapsed, whether by efflux of time or by its voluntary surrender or for any other reason, such nursing institution shall continue to maintain and provide the minimum standards required to be provided under this Act till such time as all candidates who are admitted in that nursing institution complete their study.

**47.** The Chairperson, Members, officers and other employees of the National Commission and State Commissions, and the President, Members and officers and other employees of the Autonomous Boards, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson, Members, officers of National Commission and of Autonomous Boards, to be public servants.

**48.** No suit, prosecution or other legal proceeding shall lie against the Government, the National Commission or any Autonomous Board or a State Commission or any committee thereof, or any officer or other employee of the Government or of the National Commission acting under this Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

**49.** No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made in this behalf by an officer authorised by the National Commission or the Nursing and Midwifery Ethics and Registration Board or a State Commission, as the case may be.

Cognizance of offences.

**50.** (1) If, at any time, the Central Government is of the opinion that—

(a) the National Commission is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) the National Commission has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act,

Power of Central Government to supersede National Commission.

the Central Government may, by notification, supersede the National Commission for such period, not exceeding six months, as may be specified in such notification:

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable opportunity to the National Commission to show cause

as to why it should not be superseded and shall consider the explanations and objections, if any, of the National Commission.

(2) Upon the publication of a notification under sub-section (1) superseding the National Commission—

(a) all its Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the National Commission, shall, until the National Commission is re-constituted under sub-section (3), be exercised and discharged by such nursing and midwifery professionals as the Central Government may direct; and

(c) all property owned or controlled by the National Commission shall, until the National Commission is re-constituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term not exceeding six months, as it may consider necessary; or

(b) re-constitute the National Commission by fresh appointments and in such case the Members who vacated their offices under clause (a) of sub-section (2) shall not be deemed to be disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest opportunity.

Power of  
Central  
Government  
to make rules.

**51.** (1) The Central Government may, subject to the condition of previous publication, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the qualifications and experience required for a nursing and midwifery leader under clause (q) of section 2;

(b) the six zones referred to in clauses (h) and (i) and the manner of appointing Members of the National Commission under clauses (g), (h), (i), (j), (k) and (l), of section 4;

(c) the manner of nominating experts by the Central Government under clauses (b) and (c) of sub-section (1) of section 5;

(d) the salary and allowances payable to, and other terms and conditions of service of the Chairperson and Members under sub-section (5) of section 6;

(e) the form and manner of making declaration under sub-section (7) of section 6;

(f) the qualifications and experience to be possessed by the Secretary of the National Commission under sub-section (2) of section 8;

(g) the salaries and allowances payable to and other terms and conditions of service of the Secretary, officers and other employees of the National Commission under sub-section (7) of section 8;

(h) the other functions of the National Commission under clause (o) of sub-section (2) of section 10;

(i) the manner of choosing Members under sub-section (6) of section 12;

(j) the manner of filling up of vacancies of each Autonomous Board under sub-section (2) of section 13;

(k) the salary and allowances payable to, and other terms and conditions of service of the President and Members of an Autonomous Board under sub-sections (3) and (4) of section 13;

(l) the form for preparing annual statement of accounts under sub-section (1) of section 39;

(m) the time within which, and the form and the manner in which, the reports and statements shall be furnished by the National Commission and the particulars with regard to any matter as may be required by the Central Government under sub-section (1) of section 40;

(n) the form and the time for preparing annual report under sub-section (2) of section 40;

(o) the amount of compensation for which the employees of the erstwhile Indian Nursing Council shall be entitled under the proviso to sub-section (5) of section 56; and

(p) any other matter in respect of which provision is to be made by rules for carrying out the purposes of this Act.

**52.** (1) The National Commission may, subject to the condition of previous publication, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

Power to  
make  
regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the functions to be discharged by the Secretary of the National Commission under sub-section (5) of section 8;

(b) the procedure in accordance with which experts, consultants and professionals may be engaged and the number of such experts, consultants and professionals under sub-section (8) of section 8;

(c) the procedure in accordance with which and the number of experts and domain specialists are to be invited from foreign countries for meetings of the Commission under sub-section (9) of section 8;

(d) the procedure to be followed at the meetings of National Commission, including the quorum at its meetings under sub-section (3) of section 9;

(e) steps to be taken for the coordinated and integrated development of education and maintenance of the standards of delivery of services, with periodic revision under sub-section (1) of section 10;

(f) the purposes of performing its functions by the National Commission under sub-section (2) of section 10;

(g) the manner of making available and the number of experts, consultants, professionals, officers and other employees appointed including the experts and domain specialists invited from foreign countries under section 8, to the Autonomous Boards under section 15;

(h) the manner of determining the minimum requirements and standards of nursing and midwifery education and examination at undergraduate level and postgraduate level under clause (a) of sub-section (1) of section 18;

(i) the manner of developing dynamic competency based curriculum at undergraduate level and postgraduate level under clause (b) of sub-section (1) of section 18;

(j) prescribing qualifications at the undergraduate level and postgraduate level in nursing and midwifery and such other particulars under clause (c) of sub-section (1) of section 18;

(k) the standards for setting up of nursing and midwifery institutions for imparting undergraduate and postgraduate courses, having regard to the needs of the country and the global norms under clause (d) of sub-section (1) of section 18;

(l) the manner of determining the standards and norms for infrastructure, faculty and quality of education in nursing and midwifery institutions providing undergraduate and postgraduate nursing and midwifery education under clause (e) of sub-section (1) of section 18;

(m) the manner of regulating the standards and scope of practice of registered nursing and midwifery professionals, including nurse practitioners, nursing associates and midwifery associates who have obtained the nursing and midwifery qualification as provided by Nursing and Midwifery Undergraduate and Postgraduate Education Board under clause (h), and the manner of regulating the limited prescribing authority in consultation with the National Commission under clause (i), of sub-section (1) of section 18;

(n) the manner of determining the procedure for assessing and rating the nursing and midwifery institutions for their compliance with the standards laid down by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under clause (a) of sub-section (1) of section 19;

(o) the manner of carrying out inspections of nursing and midwifery institution for assessing and rating such institutions under clause (c) of sub-section (1) of section 19;

(p) the time and manner of conducting, or where it deems necessary, empanelling independent rating agencies to conduct, assess and rate all nursing and midwifery institutions, within such period of their opening under clause (d) of sub-section (1) of section 19;

(q) the manner of making available on the website or in public domain the assessment and ratings of nursing and midwifery institutions at regular intervals, under clause (e) of sub-section (1) of section 19;

(r) the measures to be taken including the manner of issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the National Commission for withdrawal of recognition, against a nursing and midwifery institution for failure to maintain the minimum essential standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under clause (f) of sub-section (1) of section 19;

(s) the manner of regulating professional conduct and promoting nursing and midwifery ethics under clause (c) of sub-section (1) of section 20;

(t) the form, particulars and fee for submitting a proposal to the Nursing and Midwifery Assessment and Rating Board for the purposes of obtaining permission under sub-section (1) of section 21, under sub-section (2) of the said section;

(u) the manner of preferring appeal to the National Commission under sub-section (5) of section 21;

(v) other factors to be taken into consideration by the Nursing and Midwifery Assessment and Rating Board or, as the case may be, the National Commission while approving or disapproving a proposal under section 22, and the nursing and midwifery institutions set up in such areas which are eligible for relaxation of the criteria under the said section;

(w) the manner of taking disciplinary actions by the State Commission in respect of any professional or ethical misconduct by a registered professional under sub-section (3) of section 24;



(x) the manner of receiving the complaints and grievances relating to any professional or ethical misconduct against a registered professional in a State by the Nursing and Midwifery Ethics and Registration Board under the first proviso to sub-section (3) of section 24;

(y) the acts of commission or omission which would amount to professional or ethical misconduct under the *Explanation* to section 24;

(z) such other particulars to be specified in the online and live National Register maintained by the Nursing and Midwifery Ethics and Registration Board under sub-section (1) of section 25;

(za) the form and manner in which the National Register is to be maintained under sub-section (2) of section 25;

(zb) the manner in which a name or qualification may be added to, or removed from, the National Register and the grounds for adding thereto or removal thereof under sub-section (3) of section 25;

(zc) the form and manner in which the National Register shall be made available to the public by placing it on the website of the Nursing and Midwifery Ethics and Registration Board under sub-section (5) of section 25;

(zd) the manner of granting a registration as nursing and midwifery professional to a person who has obtained a recognised nursing and midwifery qualification and getting his name and qualifications enrolled in the National Register or the State Register for Nursing and Midwifery Professionals under sub-section (1) of section 26;

(ze) the manner of getting entered the title, diploma or qualification against his name in the National Register or the State Register under sub-section (3) of section 26;

(zf) the manner of renewal of registration under sub-section (4) of section 26;

(zg) the period and manner in which a foreign citizen may be permitted temporary registration in India under the proviso to sub-section (1) of section 27;

(zh) the manner of listing and maintaining nursing and midwifery qualification granted by any University or nursing and midwifery institution in India by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under sub-section (1) of section 28;

(zi) the manner of listing and maintaining nursing and midwifery qualification granted by any University or nursing and midwifery institution in India by the Nursing and Midwifery Undergraduate and Postgraduate Education Board under sub-section (2) of section 28;

(zj) the manner of examining the application for grant of recognition to an undergraduate or postgraduate or speciality or clinical nurse speciality or nurse practitioner course in all specialities of nursing and midwifery qualification under sub-section (3) of section 28;

(zk) the manner of listing and maintaining all nursing and midwifery qualifications which have been recognised before the date of commencement of this Act and are included in the Part I and Part II of the Schedule to the Indian Nursing Council Act, 1947 under sub-section (7) of section 28;

(zl) the manner of listing and maintaining the nursing and midwifery qualification, which is granted recognition by the National Commission and the manner of practice by a person possessing such qualification under sub-section (2) of section 29;

(zm) the manner of mutual recognition of the qualifications for reciprocal registration of nursing and midwifery professionals between two countries under sub-section (4) of section 29;

(zn) the manner of examining the equivalence in terms of curriculum, practical

training and number of years of course under the first proviso to section 32;

(zo) the manner in which a person possessing necessary qualification shall be permitted to practice under the second proviso to section 32;

(zp) the procedure to be followed at the meetings of Nursing and Midwifery Advisory Council under sub-section (3) of section 36; and

(zq) any other matter in respect of which provision is to be made by regulations for carrying out the purposes of this Act.

Power of State Government to make rules.

**53.** (1) The State Government may, by notification, make rules for carrying out the provisions of section 23 and sub-section (9) of section 28.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the qualifications and experience to be possessed by members to be nominated in the State Nursing and Midwifery Commission under clauses (d), (e) and (f) of sub-section (3) of section 23.

(3) Every rule made under this section shall, as soon as may be, after it is made, be laid before the State Legislature.

Laying of rules, regulations and notifications before Parliament.

**54.** Every rule and regulation made and every notification issued under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification; both Houses agree that the rule or regulation or notification should not be made or issued, the rule or regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.

Power to remove difficulties.

**55.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and saving.

**56.** (1) With effect from such date as the Central Government may appoint in this behalf, the Indian Nursing Council Act, 1947 shall stand repealed and the Indian Nursing Council constituted under sub-section (1) of section 3 of the said Act shall stand dissolved.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) any penalty incurred in respect of any contravention under the Act so repealed; or

(d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Act had not been repealed.

(3) On the dissolution of the Indian Nursing Council, the person appointed as the President and every other person appointed as the Member of the Indian Nursing Council shall vacate their respective offices and such President and other Members shall be entitled to claim compensation, fees and allowances for the premature termination of term of their office for a period not exceeding ninety days.

(4) Every officer who has been appointed on deputation basis in the Indian Nursing Council shall, on its dissolution, stand reverted to his parent cadre, Ministry or Department, as the case may be.

(5) The services of other employees who have been, before the dissolution of the Indian Nursing Council, employed on regular basis by the Indian Nursing Council, shall continue for no longer than one year after the enactment of this Act, as an interim arrangement and thereafter, further continuity or otherwise of their services shall be determined by the National Commission on the basis of their performance appraisal or evaluation:

Provided that such employees of the erstwhile Indian Nursing Council shall be entitled to compensation which shall not be less than three months' pay and allowances, as may be prescribed.

48 of 1947.

(6) Notwithstanding the repeal of the Indian Nursing Council Act, 1947, any order made, any licence to practice issued, any registration made, any permission to start a new nursing college or institution, or to start higher course of studies, or for increase in the admission capacity granted, or any recognition of nursing qualifications granted, under the said Act, which are in force as on the date of commencement of this Act, shall continue to be in force till the date of their expiry for all purposes, as if they had been issued or granted under the provisions of this Act or the rules or regulations made thereunder.

**57.** (1) The National Commission shall be the successor in interest to the Indian Nursing Council including its subsidiaries or owned trusts and all the assets and liabilities of the Indian Nursing Council shall be deemed to have been transferred to the National Commission.

Transitory provisions.

48 of 1947.

(2) Notwithstanding the repeal of the Indian Nursing Council Act, 1947, the educational standards, requirements and other provisions of the said Act and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder:

Provided that anything done, or any action taken, as regards the educational standards and requirements under the enactment under repeal and the rules and regulations made thereunder, shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.

## STATEMENT OF OBJECTS AND REASONS

The Indian Nursing Council Act, 1947 was enacted to constitute the Indian Nursing Council in order to establish a uniform standard of training for nurses, midwives and health visitors. Though the said Act was enacted to provide a solid foundation for the growth of nursing education, it has not kept pace with time. Since 1947, the said Act has undergone minimal amendments which have enabled limited growth of the profession.

2. Nurses, who comprise the greatest number of healthcare providers, are the backbone of health systems. A flexible and well-functioning legislative framework underlying nursing and midwifery education is essential for redefining the role and scope of nurses and for providing distinct recognition to midwives in the country.

3. The Department-related Parliamentary Standing Committee on Health and Family Welfare, in its One Hundred Ninth Report on the National Medical Commission Bill, 2017, had recommended that the Department should explore the possibility of restructuring and revamping the Dental Council of India, the Indian Nursing Council and other such Councils so that there is effective regulation of their education and practice.

4. In pursuance of the said recommendation, a draft National Nursing and Midwifery Commission Bill was prepared and a seven-member Expert Committee was constituted by the Government in July, 2020, to examine the same. The Expert Committee, after in-depth examination, gave its report in August, 2020, recommending for establishment of a National Nursing and Midwifery Commission in place of the existing Indian Nursing Council. Based on the recommendations of the Expert Committee, and after extensive consultations and deliberations with NITI Aayog, the general public, State Governments, State Councils, professional associations and other relevant stakeholders, the Government proposes to establish a National Nursing and Midwifery Commission in the place of the existing Indian Nursing Council by the proposed legislation. The proposed legislation would bring in nursing and midwifery professionals of the highest stature and calibre through a fair, transparent and qualitative process.

5. Accordingly, it is proposed to introduce the National Nursing and Midwifery Commission Bill, 2023, which, *inter alia*, seeks to provide for—

(a) constitution of a National Nursing and Midwifery Commission for development and regulation of all aspects relating to nursing and midwifery education, institution and profession, and a Nursing and Midwifery Advisory Council to advise and make recommendations to the National Commission;

(b) constitution of three Autonomous Boards, namely,—

(i) the Nursing and Midwifery Undergraduate and Postgraduate Education Board, to regulate nursing and midwifery education and examination at undergraduate level and postgraduate level and to determine standards thereof;

(ii) the Nursing and Midwifery Assessment and Rating Board, to carry out inspections and to assess and rate the nursing and midwifery institutions; and

(iii) the Nursing and Midwifery Ethics and Registration Board, to regulate professional conduct and promote nursing and midwifery ethics amongst all registered professionals and to maintain a national register of nursing professionals, midwifery professionals, nursing associates and midwifery associates;

(c) a uniform mechanism for admission into nursing and midwifery institutions at undergraduate and postgraduate level;

(d) a mechanism, either through a final year undergraduate examination or otherwise, for enrolment in the National Register or the State Register, as the case may be, and for granting license to practice as a nursing and midwifery professional;

(e) permission for establishment of new nursing and midwifery institution, for starting postgraduate or higher qualification course and to increase number of seats to be obtained by nursing and midwifery institutions;

(f) recognition of nursing and midwifery qualifications granted by Universities and nursing and midwifery institutions in India and outside India, and also for recognition of nursing and midwifery qualifications granted by statutory and other bodies in India;

(g) maintenance of an online and live National Register containing the name, address, all recognised qualifications possessed by a nursing professional, midwifery professional, nursing associate and midwifery associates;

(h) constitution of a National Nursing and Midwifery Commission Fund for crediting all fees, penalties and charges received by the National Commission and the Autonomous Boards;

(i) repeal of the Indian Nursing Council Act, 1947 and for dissolution of the Indian Nursing Council by providing that on such dissolution,—

(i) the President and Members of the said Council shall be deemed to have vacated their respective offices and shall be entitled to compensation not exceeding three months' pay and allowances;

(ii) the other employees employed on regular basis by the said Council shall continue their services for no longer than one year as an interim arrangement, and thereafter, further continuity shall be determined by the National Commission on the basis of their performance appraisal or evaluation.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 28th March, 2023.*

DR. MANSUKH MANDAVIYA.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF  
THE CONSTITUTION OF INDIA

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**[Letter No. Z.16015/02/2019-N dated 29 March, 2023 from Dr. Mansukh Mandaviya, Minister Health and Family Welfare and Chemicals & Fertilizers to the Secretary General, Lok Sabha]**

The President, having been informed of the subject matter of the proposed National Nursing and Midwifery Commission Bill, 2023, recommends to the House the introduction of the Bill under article 117(1) and consideration of the Bill under article 117(3) of the Constitution.

*Notes on clauses*

*Clause 2* of the Bill seeks to provide for the definitions of various expressions used in the proposed legislation.

*Clause 3* of the Bill seeks to provide for constitution of the National Nursing and Midwifery Commission.

*Clause 4* of the Bill seeks to provide for composition of the National Nursing and Midwifery Commission, and appointment and qualifications of its constituent Members. The Commission shall be a twenty-nine member body comprising of Chairperson, sixteen *ex-officio* Members and twelve Members. Of the twelve members, six members, one from each of the six zones, shall be nominated by the State Governments. Four members, of whom at least two should be midwifery professionals, will be nominated by the Central Government on the recommendation of a Search-cum-Selection Committee. One member will be from non-nursing and midwifery background and one member representing charitable institutes in the field of nursing and midwifery, both to be appointed by the Central Government.

*Clause 5* of the Bill seeks to provide for composition of Search-cum-Selection Committee for appointment of the Chairperson, Members and Secretary of the Commission, and President and Members of the Autonomous Boards under the proposed Act. The Committee shall be chaired by Union Health Secretary and include four experts with experience in nursing and midwifery field and one from diverse background nominated by the Central Government. Additional Secretary or Joint Secretary in charge of the Nursing in the Ministry of Health and Family Welfare shall be the Convenor Member.

*Clause 6* of the Bill seeks to provide for duration of office, salary and allowances, and other terms and conditions of service of the Chairperson and Members of the National Commission. They shall hold office for a term not exceeding four years and shall not be eligible for extension or reappointment.

*Clause 7* of the Bill seeks to provide for removal of the Chairperson and Members of the National Commission.

*Clause 8* of the Bill seeks to provide for appointments of Secretary, experts, professionals, officers and other employees of the National Commission.

*Clause 9* of the Bill seeks to provide for meetings, quorum and other ancillary matters connected to meetings of the National Commission. The National Commission shall meet at least once every quarter.

*Clause 10* of the Bill seeks to provide for powers and functions of the National Commission including, but not limited to:—

- (a) formulation of policies and framing of guidelines for ensuring high quality and standards in nursing and midwifery education and training;
- (b) coordination of functioning of the National Commission, Autonomous Boards and State Commissions;
- (c) formulation of policy for regulation of nursing and midwifery profession;
- (d) power to delegate and form sub-committees.

*Clause 11* of the Bill seeks to provide for constitution of three Autonomous Boards under the overall supervision of the National Commission. The three Autonomous Boards are Nursing and Midwifery Undergraduate and Postgraduate Education Board, Nursing and Midwifery Assessment and Rating Board and Nursing and Midwifery Ethics and Registration Board.

*Clause 12* of the Bill seeks to provide for composition of Autonomous Boards consisting of President, up to two whole-time members and up to two part-time members. The second



whole time member of Nursing and Midwifery Assessment and Rating Board and Nursing and Midwifery Ethics and Registration Board shall be from diverse background.

*Clause 13* of the Bill seeks to provide for duration of office, salary and allowances, and other terms and conditions of service of President and Members of the Autonomous Boards.

*Clause 14* of the Bill seeks to provide for Advisory Committees of experts constituted by the National Commission to render assistance to all Autonomous Boards except Nursing and Midwifery Ethics and Registration Board for discharging of functions assigned under the Act. The Nursing and Midwifery Ethics and Registration Board shall be assisted by ethics committees of experts constituted by the National Commission.

*Clause 15* of the Bill seeks to provide for staff of Autonomous Boards.

*Clause 16* of the Bill seeks to provide for meetings of Autonomous Boards. Every Board shall meet at least once a month.

*Clause 17* of the Bill seeks to provide for powers of Autonomous Boards and delegation of powers.

*Clause 18* of the Bill seeks to provide for powers and functions of Nursing and Midwifery Undergraduate and Postgraduate Education Board including determination of standards of nursing and midwifery education and examination at undergraduate level and postgraduate level, framing of guidelines for establishment of nursing and midwifery institutions for imparting undergraduate and postgraduate nursing and midwifery courses, and granting of recognition to nursing and midwifery institutions at undergraduate and postgraduate level. The Board shall also regulate standards and scope of practice of registered nursing and midwifery associates and professionals including nurse practitioners in all specialities.

*Clause 19* of the Bill seeks to provide for powers and functions of Nursing and Midwifery Assessment and Rating Board including determining the procedure for assessing and rating of nursing and midwifery institutions for compliance with prescribed standards, granting of permission for establishment of new nursing and midwifery institutions or to start any postgraduate or higher qualification course or to increase number of seats and carrying out inspection for this purpose and issuing warning, imposing of monetary penalty on nursing and midwifery institution for failure to maintain prescribed minimum essential standards.

*Clause 20* of the Bill seeks to provide for powers and functions of Nursing and Midwifery Ethics and Registration Board including maintaining a National Register for all registered professionals, regulate their professional conduct, and to develop mechanism for continuous interaction with State Nursing and Midwifery Commissions.

*Clause 21* of the Bill seeks to provide for permission for establishment of new nursing and midwifery institution, for starting any nursing and midwifery postgraduate course or increasing number of seats.

*Clause 22* of the Bill seeks to provide for criteria for approval or disapproval of the proposal for establishment of new nursing and midwifery institution, starting any nursing and midwifery postgraduate course or increasing number of seats.

*Clause 23* of the Bill seeks to provide for constitution and composition of State Nursing and Midwifery Commissions. The State Nursing and Midwifery Commission shall consist of ten members including Chairperson, three *ex officio* members and six members.

*Clause 24* of the Bill seeks to provide for functions of State Commission including maintenance of State Register, ensuring standards in nursing and midwifery education provided by the Autonomous Boards, enforcing professional conduct, conducting skill based examination to ensure adequate competence of Nursing and Midwifery Associates, and ensuring compliance of all directives issued by the National Commission.

*Clause 25* of the Bill seeks to provide for the maintenance of an online and live National Register by Nursing and Midwifery Ethics and Registration Board which shall contain the

name, address and all recognised qualifications possessed by nursing professionals, midwifery professionals, nursing associates and midwifery associates. Every State Commission shall maintain State Registers. The registers will be maintained in such forms including digital form as may be specified.

*Clause 26* of the Bill seeks to provide for rights of persons to have license to practice and to be enrolled in National Register or State Register.

*Clause 27* of the Bill seeks to provide for Bar to practice. A person who is not enrolled in the National Register or the State Register shall not be allowed to practice nursing or midwifery. Any violation shall be punishable with imprisonment for a term which may extend to one year, or with fine of up to five lakhs rupees, or with both. Foreign nursing and midwifery professionals shall be permitted temporary registration in India in such manner as may be specified.

*Clause 28* of the Bill seeks to provide for recognition of nursing and midwifery qualifications granted by universities or nursing and midwifery institutions in India. The institutions shall apply to the Nursing and Midwifery Undergraduate and Postgraduate Education Board which shall examine the application and decide on grant of recognition. First appeal shall lie to the Commission and second appeal to the Central Government.

*Clause 29* of the Bill seeks to provide for recognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.

*Clause 30* of the Bill seeks to provide for recognition of nursing and midwifery qualifications granted by statutory or other bodies in India to be recognised as nursing and midwifery qualifications as may be specified by regulations.

*Clause 31* of the Bill seeks to provide for withdrawal of recognition granted to Nursing and Midwifery qualification granted by Nursing and Midwifery institutions in India. The National Commission, upon receiving a Report from the Nursing and Midwifery Assessment and Rating Board or from a State Commission or from a State Government or otherwise, shall make further enquiry and decide the matter.

*Clause 32* of the Bill seeks to provide for special provisions in certain cases for recognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.

*Clause 33* of the Bill seeks to provide for de-recognition of nursing and midwifery qualifications granted by nursing and midwifery institutions outside India.

*Clause 34* of the Bill seeks to provide for constitution and composition of Nursing and Midwifery Advisory Council. The Advisory Council shall be a fifty-one member body with Chairperson of the National Commission as the *ex officio* Chairperson of the Advisory Council. The Presidents of the three Autonomous Boards and Secretary of the National Commission shall be the *ex officio* members of the Advisory Council. Chairman, University Grants Commission; Director, National Assessment and Accreditation Council; one representative from Ministry of Ayush; one representative from Indian Council of Medical Research, and three members from among Directors of Indian Institutes of Technology, Indian Institutes of Management and the Indian Institute of Science shall also be its *ex officio* members. It shall consist of one nominee from every State and Union territory who shall either be the Dean or Principal of a nursing and midwifery institution or the representative of the State Nursing and Midwifery Commission in the State or Union territory and heads of any three national level professional nursing and midwifery association to be nominated by the Chairperson as members.

*Clause 35* of the Bill seeks to provide for functions of Nursing and Midwifery Advisory Council to advise the Commission on minimum standards in nursing and midwifery education, services, training and research.

*Clause 36* of the Bill seeks to provide for meetings and quorum of Nursing and Midwifery Advisory Council. The Advisory Council shall meet at least once a year. Two-thirds of the members of the Advisory Council including the Chairperson shall form the quorum.

*Clause 37* of the Bill seeks to provide for grants by the Central Government.

*Clause 38* of the Bill seeks to provide for National Nursing and Midwifery Commission Fund which shall form part of the public account of India. All fees, penalties and all sums received by the Commission shall form part of it. The Fund shall be applied for making payments towards all expenses in the discharge of the functions of the National Commission.

*Clause 39* of the Bill seeks to provide for audit and accounts. The accounts of the National Commission shall be audited by the Comptroller and Auditor General of India.

*Clause 40* of the Bill seeks to provide for furnishing of returns and reports by the National Commission to the Central Government.

*Clause 41* of the Bill seeks to provide for the power of Central Government to give directions to the National Commission, Autonomous Boards and Nursing and Midwifery Advisory Council on questions of policy.

*Clause 42* of the Bill seeks to provide for the power of Central Government to give directions to State Governments for carrying out provisions of this Act.

*Clause 43* of the Bill seeks to provide for power of National Commission to give directions to State Commissions.

*Clause 44* of the Bill seeks to provide for information to be furnished by National Commission and publication thereof.

*Clause 45* of the Bill seeks to provide for obligations of Universities and nursing and midwifery institutions. They shall maintain a website at all times and display all such information as may be required by the National Commission or an Autonomous Board.

*Clause 46* of the Bill seeks to provide for completion of courses of studies in nursing and midwifery institutions. Students who were studying in any nursing and midwifery institution before the commencement of this Act shall continue to study and complete his course in accordance with syllabus and studies as existed before such commencement. Such student shall be deemed to have completed his course of study under this Act.

*Clause 47* of the Bill seeks to provide that the Chairperson, Members, and officers of National Commission and of Autonomous Boards shall be public servants within the meaning of Section 21 of the Indian Penal Code.

*Clause 48* of the Bill seeks to provide for protection of action taken in good faith.

*Clause 49* of the Bill seeks to provide for cognizance of offences by courts only upon a complaint in writing by an authorised officer of the National Commission or the Ethics and Registration Board or a State Nursing and Midwifery Commission.

*Clause 50* of the Bill seeks to provide for the power of Central Government to supersede National Commission if it is unable to discharge the functions and duties imposed upon it or persistently defaults in complying with any direction issued by the Central Government. The Central Government may issue notifications of supersession not exceeding six months at a time.

*Clause 51* of the Bill seeks to provide for the power of Central Government to make rules. The Central Government may, by notification, make rules to carry out the purposes of this Act.

*Clause 52* of the Bill seeks to provide for the power of National Commission to make regulations. The National Commission may after previous publication by notification, make regulations consistent with this Act.

*Clause 53* of the Bill seeks to provide for the power of State Government to make rules. The State Government may, by notification, make rules to carry out the purposes of this Act specified therein.

*Clause 54* of the Bill seeks to provide for laying of rules, regulations and notifications before Parliament.

*Clause 55* of the Bill seeks to provide for power to remove difficulties. The Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act for removing the difficulty.

*Clause 56* of the Bill seeks to provide for repeal and saving. The Indian Nursing Council Act, 1947 shall stand repealed and the Indian Nursing Council shall stand dissolved from such date as may be notified by the Central Government. The President and every person appointed as Member of the Indian Nursing Council shall, on such dissolution, vacate their respective offices and be entitled for compensation. The services of employees employed on regular basis shall continue for no longer than one year as an interim arrangement, and further continuity of their services shall be determined by the National Commission on the basis of performance appraisal or evaluation.

*Clause 57* of the Bill seeks to provide for transitory provisions. Even after the repeal of the Indian Nursing Council Act, 1947, the rules and regulations made thereunder shall continue to be in force till new rules and regulations are framed by the National Nursing and Midwifery Commission.

## FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides for constitution of the National Nursing and Midwifery Commission to exercise the powers and to perform the functions assigned to it. Clause 4 provides for the appointment of Chairperson and Members of the National Commission. Sub-clause (5) of clause 6 provides for payment of salaries or travelling and other allowances to the Chairpersons and Members, other than *ex officio* Members. Sub-clause (1) of clause 8 provides for appointment of Secretary of the National Commission and sub-clause (6) thereof provides for appointment of officers and other employees of the National Commission. Sub-clause (7) of said clause provides for payment of salaries and allowances to Secretary, officers and other employees of the National Commission.

2. Sub-clause (1) of clause 11 provides for constitution of three Autonomous Boards. Clause 12 provides for appointment of President and Members of the Autonomous Boards and sub-clause (3) of clause 13 provides for salaries and allowances of the President and the whole-time Members of the Autonomous Boards.

3. Clause 37 provides for payment of grants to the National Commission, after due appropriation made by Parliament by law in this behalf, as the Central Government may think fit.

4. Sub-clause (1) of clause 38 provides for the constitution of Fund to be called the National Nursing and Midwifery Commission Fund, which shall form part of the public account of India and all fees, penalties and charges received by the National Commission and the Autonomous Boards and all sums received by the National Commission from such other source as may be decided by it shall be credited to the fund and shall be applied for payment of salaries and allowances and the expenses incurred in the carrying out the provisions of the Bill.

5. Sub-clause (3) of clause 56 provides that on the dissolution of the Indian Nursing Council, the person appointed as President, and every other person appointed as Member of that Council shall vacate their respective offices and that such President and Members shall, for such premature termination, be entitled to claim compensation not exceeding ninety days' fees and allowances. Sub-clause (5) of the said clause provides that the employees who are employed on regular basis by the Indian Nursing Council shall continue for no longer than one year after the enactment of this Act, as an interim arrangement and thereafter, further continuity of their services shall be determined by the National Commission on the basis of their performance appraisal or evaluation. Proviso to the said sub-clause (5) provides that such employees of the erstwhile Indian Nursing Council shall be entitled to compensation which shall not be less than three months' pay and allowances.

6. The expenditure would be largely met from the corpus of the existing Indian Nursing Council and the funds generated by the National Nursing and Midwifery Commission. The budgetary support by the Government to the National Commission and its constituent bodies is estimated not to exceed the level of the current budgetary support given to the Indian Nursing Council. Further, as expenditure would depend on the number of meetings of the National Commission, recurring or non-recurring expenditure cannot be anticipated at this stage.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 11 of the Bill empowers the Central Government, by notification, to constitute the Autonomous Boards under the overall supervision of the National Commission, to perform the functions assigned to them under this Act.

2. Clause 51 of the Bill empowers the Central Government to make rules, *inter alia*, on matters relating to (a) the qualifications and experience required for a nursing and midwifery leader; (b) the six zones from where Members are to be appointed to the National Commission and the manner of appointing Members of the National Commission; (c) the manner of nominating experts by the Central Government to the Search-cum-Selection Committee; (d) the salary and allowances payable to, and other terms and conditions of service of the Chairperson and Members of the National Commission; (e) the form and manner of making declaration of assets and liabilities by the Chairperson and Member of the National Commission; (f) the qualifications and experience to be possessed by the Secretary of the National Commission; (g) the salaries and allowances payable to and other terms and conditions of service of the Secretary, officers and other employees of the National Commission; (h) the other functions of the National Commission; (i) the manner of choosing part-time Members of the Autonomous Boards; (j) the manner of filling up of vacancies of each Autonomous Board; (k) the salary and allowances payable to, and other terms and conditions of service of the President and Members of an Autonomous Board; (l) the form for preparing annual statement of accounts; (m) the time within which, and the form and the manner in which, the reports and statements shall be furnished by the National Commission and the particulars with regard to any matter as may be required by the Central Government; (n) the form and the time for preparing annual report; (o) the amount of compensation for which the employees of the erstwhile Indian Nursing Council shall be entitled; and (p) any other matter in respect of which provision is to be made by rules.

3. Clause 52 of the Bill empowers the National Commission to make regulations after previous publication and by notification in the Official Gazette, *inter alia*, in respect of matters relating to (a) the functions to be discharged by the Secretary of the National Commission; (b) the procedure in accordance with which experts, consultants and professionals may be engaged by the National Commission and the number of such experts, consultants and professionals; (c) the procedure in accordance with which the experts and domain specialists from foreign countries may be invited to the meetings of the National Commission and the numbers of such experts and domain specialists; (d) the procedure to be followed at the meetings of National Commission, including the quorum at its meetings; (e) steps to be taken by the National Commission for the coordinated and integrated development of education and maintenance of the standards of delivery of services, with periodic revision; (f) the purposes of performing its functions by the National Commission; (g) the manner of making available the experts, consultants, professionals, officers and other employees appointed by the National Commission and the experts and domain specialists from foreign countries invited by the National Commission to the Autonomous Boards; (h) the manner of determining the minimum requirements and standards of nursing and midwifery education and examination at undergraduate and postgraduate level; (i) the manner of developing dynamic competency based curriculum at undergraduate and postgraduate level; (j) prescribing qualifications at the undergraduate and postgraduate level in nursing and midwifery and such other particulars; (k) the standards for setting up of nursing and midwifery institutions for imparting undergraduate and postgraduate courses, having regard to the needs of the country and the global norms; (l) the manner of determining the standards and norms for infrastructure, faculty and quality of education in nursing and midwifery institutions providing undergraduate and postgraduate nursing and midwifery education; (m) the manner of regulating the standards and scope of practice of registered nursing and midwifery professionals, including nurse practitioners, nursing associates and midwifery associates who have obtained the nursing and midwifery qualification as provided by Nursing and Midwifery Undergraduate and Postgraduate Education Board; (n) the manner of determining the procedure for assessing and rating the nursing and midwifery institutions for their compliance with the standards laid



down by the Nursing and Midwifery Undergraduate and Postgraduate Education Board; (o) the manner of carrying out inspections of nursing and midwifery institution for assessing and rating such institutions; (p) the time and manner of conducting, or where it deems necessary, empaneling independent rating agencies to conduct, assess and rate all nursing and midwifery institutions, within such period of their opening; (q) the manner of making available on the website or in public domain the assessment and ratings of nursing and midwifery institutions at regular intervals; (r) the measures to be taken including the manner of issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the National Commission for withdrawal of recognition, against a nursing and midwifery institution for failure to maintain the minimum essential standards specified by the Nursing and Midwifery Undergraduate and Postgraduate Education Board; (s) the manner of regulating professional conduct and promoting nursing and midwifery ethics; (t) the form, particulars and fee for submitting a proposal to the Nursing and Midwifery Assessment and Rating Board for the purposes of obtaining permission; (u) the manner of preferring appeal to the National Commission; (v) other factors to be taken into consideration by the Nursing and Midwifery Assessment and Rating Board or, as the case may be, the National Commission while approving or disapproving a proposal and the nursing and midwifery institutions set up in such areas which are eligible for relaxation of the criteria under the said section; (w) the manner of taking disciplinary actions by the State Commission in respect of any professional or ethical misconduct by a registered professional; (x) the manner of receiving the complaints and grievances relating to any professional or ethical misconduct against a registered professional in a State by the Nursing and Midwifery Ethics and Registration Board; (y) the acts of commission or omission which would amount to professional or ethical misconduct; (z) such other particulars to be specified in the online and live National Register maintained by the Nursing and Midwifery Ethics and Registration Board; (za) the form and manner in which the National Register is to be maintained; (zb) the manner in which a name or qualification may be added to, or removed from, the National Register and the grounds for adding thereto or removal thereof; (zc) the form and manner in which the National Register shall be made available to the public by placing it on the website of the Nursing and Midwifery Ethics and Registration Board; (zd) the manner of granting a registration as nursing and midwifery professional to a person who has obtained a recognised nursing and midwifery qualification and getting his name and qualifications enrolled in the National Register or the State Register for Nursing and Midwifery Professionals; (ze) the manner of getting entered the title, diploma or qualification against his name in the National Register or the State Register; (zf) the manner of renewal of registration; (zg) the period and manner in which a foreign citizen may be permitted temporary registration in India; (zh) the manner of listing and maintaining nursing and midwifery qualification granted by any University or nursing and midwifery institution in India by the Nursing and Midwifery Undergraduate and Postgraduate Education Board; (zi) the manner of listing and maintaining nursing and midwifery qualification granted by any University or nursing and midwifery institution in India by the Nursing and Midwifery Undergraduate and Postgraduate Education Board; (zj) the manner of examining the application for grant of recognition to an undergraduate or postgraduate or speciality or clinical nurse speciality or nurse practitioner course in all specialities of nursing and midwifery qualification; (zk) the manner of listing and maintaining all nursing and midwifery qualifications which have been recognised before the date of commencement of this Act and are included in the Part-I and Part-II of the Schedule to the Indian Nursing Council Act, 1947; (zl) the manner of listing and maintaining the nursing and midwifery qualification, which is granted recognition by the National Commission; (zm) the manner of mutual recognition of the qualifications for reciprocal registration of nursing and midwifery professionals between two countries; (zn) the manner of examining the equivalence in terms of curriculum, practical training and number of years of course; (zo) the manner in which a person possessing necessary qualification shall be permitted to practice; (zp) the procedure to be followed at the meetings of Nursing and Midwifery Advisory Council; and (zq) any other matter in respect of which provision is to be made by regulations for carrying out the purposes of this Act.

4. Clause 53 of the Bill empowers the State Government to make rules, *inter alia*, on matters relating to (a) the qualifications and experience to be possessed by Members to be nominated in the State Nursing and Midwifery Commission; and (b) measures to be taken by the State Government to enhance the capacity of the nursing and midwifery professionals for the purposes of addressing or promoting public health nursing and midwifery practice in rural areas.

5. The matters in respect of which rules may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

## BILL NO. 82 OF 2023

A Bill to regulate the profession of dentistry in the country, to provide for quality and affordable dental education, to make accessible high quality oral healthcare and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

1. (1) This Act may be called the National Dental Commission Act, 2023.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Short title,  
extent and  
commencement.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Autonomous Board" means any of the Autonomous Boards constituted under section 16;

(b) "Chairperson" means the Chairperson of the National Dental Commission appointed under section 4;

(c) "Commission" means the National Dental Commission constituted under section 3;

(d) "Council" means the Dental Advisory Council constituted under section 11;

(e) "Dental Assessment and Rating Board" means the Board constituted under section 16;

(f) "dental auxiliary" includes a dental hygienist or a dental mechanic or a dental operating room assistant or such other category as may be specified by the Commission;

(g) "dental hygienist" means a person not being a dentist or a medical practitioner who scales, cleans or polishes teeth, or gives instruction in dental hygiene;

(h) "dental institution" means any institution within or outside India which grants degrees, diplomas, certificates for certification courses or licences in dentistry and includes affiliated colleges, deemed to be Universities and institutions mentioned in the Schedule;

(i) "dental mechanic" means a person qualified to perform laboratory work required for the prosthetic rehabilitation of dental and maxillofacial structures and orthodontic appliances;

(j) "dental operating room assistant" means a person who assists the dentist in sterilising and handing over instruments as required by the dentist at the chair side;

(k) "dentist" means a person who practices dentistry;

(l) "dentistry" includes the science, practice and research in dental and oral health, directed towards—

(i) facilitating healthy development of dentition, jaws and dentofacial structures;

(ii) prevention of oral diseases and promotion of oral health;

(iii) diagnosis and use of diagnostic tests, investigations and procedure to decide the normal and abnormal state or diseases of teeth, gums, jaws and related tissues necessary for the functions of the oral cavity;

(iv) performing procedures for the optimisation of dental and oral health, which may include restoration, rehabilitation, surgery or a combination thereof, to restore the functions, structural anatomy and aesthetics of the stomatognathic system and the masticatory apparatus;

(v) creating awareness and working knowledge of the effects of systemic health on dentition and oral cavity and to perform the duties of an active member of the healthcare team, including basic life support;

(vi) promoting good systemic health through diagnosis and necessary interventions related to oral health conditions; and

(vii) bringing awareness of oral health related issues of the society and of nation and to facilitate implementation of the updated policies of the Government or Government bodies in this regard.

(m) "Ethics and Dental Registration Board" means the Board constituted under section 16;

(n) "Fund" means the National Dental Commission Fund referred to in sub-section (1) of section 39;

(o) "leader" means the Head of a Department or the Head of an Institute or organisation;

(p) "licence" means a licence to practice dentistry granted under sub-section (1) of section 31;

(q) "Member" means a Member of the Commission appointed under section 4 and includes the Chairperson thereof, or, as the case may be, a Member of the Autonomous Board referred to in section 17 and includes the President thereof;

(r) "National Register" means the National Register for Dentists or the National Register for Dental Auxiliaries, as the case may be, maintained by the Ethics and Dental Registration Board under section 30;

(s) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(t) "prescribed" means prescribed by rules made under this Act;

(u) "President" means the President of an Autonomous Board appointed under section 18;

(v) "recognised dental qualification" means a dental qualification recognised under section 33 or section 34 or section 35, as the case may be;

(w) "regulations" means the regulations made by the Commission under this Act;

(x) "registered professional" means any dentist or dental auxiliary who is registered in the National Register or the State Register under section 30;

(y) "Schedule" means the Schedule to this Act;

(z) "State Dental Council" means a dental council constituted under any law for the time being in force in any State or Union territory for regulating the practice and registration of practitioners of dentistry in that State or Union territory and includes a Joint Dental Council referred to in sub-section (7) of section 29;

(za) "State Register" means the State Register for Dentists or the State Register for Dental Auxiliaries, as the case may be, maintained under any law for the time being in force in any State or Union territory for registration of dentists or dental auxiliaries, as the case may be;

(zb) "Under-Graduate and Post-Graduate Dental Education Board" means the Board constituted under section 16;

(zc) "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes a health University.

3 of 1956.

## CHAPTER II

### NATIONAL DENTAL COMMISSION

3. (1) The Central Government shall, by notification in the Official Gazette, with effect from such date as it may appoint, constitute a Commission, to be known as the National Dental Commission, to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

Constitution  
of National  
Dental  
Commission.

(2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The head office of the Commission shall be at New Delhi.

Composition  
of  
Commission.

4. (1) The Commission shall consist of the following persons to be appointed by the Central Government, namely:—

- (a) a Chairperson;
- (b) eight *ex officio* Members; and
- (c) twenty-four part-time Members.

(2) The Chairperson shall be a dentist of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in dentistry from any University or institutes of national importance and having experience of not less than twenty years in the field of dentistry, out of which at least ten years shall be as a leader in the area of dental education.

(3) The following persons shall be the *ex officio* Members of the Commission, namely:—

- (a) the President of the Under-Graduate and Post-Graduate Dental Education Board;
- (b) the President of the Dental Assessment and Rating Board;
- (c) the President of the Ethics and Dental Registration Board;
- (d) the Director General of Health Services, Directorate General of Health Services, New Delhi;
- (e) Chief of the Centre for Dental Education and Research, All India Institute of Medical Sciences, New Delhi;
- (f) Head of the Oral Health Sciences Centre, Postgraduate Institute of Medical Education and Research, Chandigarh;
- (g) one person, not below the rank of Joint Secretary to the Government of India, to represent the Ministry of Health and Family Welfare, to be nominated by that Ministry;
- (h) the Chairperson, National Medical Commission or nominee from that Commission.

(4) The following persons shall be appointed as part-time Members of the Commission, namely:—

- (a) three Members, to be appointed from amongst persons of ability, integrity and standing, who have special knowledge and professional experience in such areas including management, law, medical ethics, health research, consumer or patient rights advocacy, science and technology and economics, in such manner as may be prescribed, for a term of four years;
- (b) ten Members to be appointed on rotational basis from amongst the nominees of the States and Union territories under clauses (c) and (d) of sub-section (2) of section 11 in the Dental Advisory Council, in such manner as may be prescribed, for a term of two years;
- (c) nine members to be appointed on rotational basis from amongst the nominees of the States and Union territories under clause (e) of sub-section (2) of section 11 in the Dental Advisory Council, in such manner as may be prescribed, for a term of two years;



(d) two dental faculties, from any Central or State or Autonomous Government Institutes, doing exemplary work in the field of dental education, to be nominated by the Central Government, in such manner as may be prescribed, for a term of four years;

5. (1) The Central Government shall appoint—

- (i) the Chairperson referred to in sub-section (2) of section 4;
- (ii) part-time Members referred to in clause (a) of sub-section (4) of section 4;
- (iii) the Secretary referred to in section 8; and
- (iv) the President and Members of Autonomous Boards referred to in section 16,

Search-cum-  
Selection  
Committee  
for  
appointment  
of  
Chairperson  
and Members.

on the recommendation of a Search-cum-Selection Committee consisting of—

(a) the Cabinet Secretary—Chairperson;

(b) three experts, possessing outstanding qualifications and experience of not less than twenty-five years in the field of dental education, public health education and health research, to be nominated by the Central Government, in such manner as may be prescribed—Members;

(c) one person, possessing outstanding qualifications and experience of not less than twenty-five years in the field of management or law or economics or science and technology, to be nominated by the Central Government, in such manner as may be prescribed—Member;

(d) the Secretary to the Government of India in charge of the Ministry of Health and Family Welfare, to be the Convener—Member.

(2) The Central Government shall, within one month from the date of occurrence of any vacancy, including by reason of death, resignation or removal, of the Chairperson or Member or Secretary of the Commission or the President or Member of the Autonomous Board, as the case may be, or within three months before the end of tenure of such person, make a reference to the Search-cum-Selection Committee for filling up of the vacancy.

(3) The Search-cum-Selection Committee shall recommend a panel of at least three names for every vacancy referred to it.

(4) The Search-cum-Selection Committee shall, before recommending any person for appointment as the Chairperson or Member or Secretary, satisfy itself that such person does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member or Secretary.

(5) No appointment of the Chairperson or Member or Secretary of the Commission or the President or Member of the Autonomous Board, as the case may be, shall be invalid merely by reason of any vacancy or absence of a Member in the Search-cum-Selection Committee.

(6) Subject to the provisions of sub-sections (2) to (5), the Search-cum-Selection Committee may regulate its own procedure.

6. (1) The Chairperson appointed under sub-section (2) of section 4, and Member of the Commission appointed or nominated under clauses (a) and (d) of sub-section (4) of section 4 shall not be eligible for any extension of term beyond four years or for reappointment and such person shall cease to hold office after attaining the age of seventy years.

Term of  
office and  
conditions of  
service of  
Chairperson  
and Members.

(2) The term of office of an *ex officio* Member shall continue as long as he holds the office by virtue of which he is such Member.

(3) Where a Member, other than an *ex officio* Member, is absent from three consecutive ordinary meetings of the Commission and the cause of such absence is not attributable to

any valid reason in the opinion of the Commission, such Member shall be deemed to have vacated the seat.

(4) The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members appointed or nominated under clauses (a) and (d) of sub-section (4) of section 4, other than an *ex officio* Member, shall be such as may be prescribed.

(5) The Chairperson or a Member or Secretary of the Commission may,—

(a) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 7:

Provided that such person may be relieved from duties earlier than three months or be allowed to continue beyond three months until a successor is appointed, if the Central Government so decides.

(6) The Chairperson and every Member of the Commission shall make declaration of his assets and liabilities at the time of entering upon his office and at the time of demitting his office and also declare his professional and commercial engagement or involvement in such form and manner as may be prescribed, and such declaration shall be published on the website of the Commission.

(7) The Chairperson or a Member appointed or nominated under clauses (a) and (d) of sub-section (4) of section 4 or the Secretary, ceasing to hold office as such, shall not accept, for a period of two years from the date of demitting such office, any employment, in any capacity, including as a consultant or an expert, in any private dental institution, whose matter has been dealt with by such person, directly or indirectly:

Provided that nothing herein shall be construed as preventing such person from accepting an employment in a body or institution, including dental institution, controlled or maintained by the Central Government or a State Government:

Provided further that nothing herein shall prevent the Central Government from permitting the Chairperson or Member or Secretary of the Commission to accept any employment in any capacity, including as a consultant or expert in any private dental institution whose matter has been dealt with by such Chairperson or Member or Secretary.

Removal of  
Chairperson  
and Member  
of  
Commission.

7. (1) The Central Government may, by order, remove from office the Chairperson or any other Member, who—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a Member; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member; or

(f) has so abused his position as to render his continuance in office prejudicial to public interest.

(2) No Member shall be removed under clauses (e) and (f) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

Appointment  
of Secretary,  
experts,  
professionals,  
officers and  
other  
employees of  
Commission.

8. (1) There shall be a Secretariat for the Commission to be headed by a Secretary, to be appointed by the Central Government in accordance with the provisions of section 5.

(2) The Secretary of the Commission shall be a person of proven administrative capacity and integrity, possessing such qualifications and experience as may be prescribed.

(3) The Secretary shall be appointed by the Central Government for a term of four years and shall not be eligible for any extension or reappointment.

(4) The Secretary shall also be the Member Secretary of each of the Autonomous Boards constituted under section 16.

(5) The Secretary shall discharge such functions of the Commission, and of each of the Autonomous Boards constituted under section 16, as may be specified by regulations.

(6) The Commission may, for the efficient discharge of its functions under this Act, appoint such officers and other employees of the Commission, other than Secretary, as it considers necessary, against the posts created by the Central Government on the recommendation of the Commission.

(7) The salaries and allowances payable to, and other terms and conditions of service of the Secretary, officers and other employees of the Commission shall be such as may be prescribed.

(8) The Commission may engage, in accordance with the procedure specified by regulations, such number of experts, consultants and professionals of integrity and outstanding ability, who have special knowledge and experience in such fields, including dental education, public health, management, health economics, quality assurance, patient advocacy, health research, science and technology, administration, finance, accounts and law, as it deems necessary, to assist the Commission in the discharge of its functions under this Act:

Provided that the Commission may, to facilitate global mobility and employability of registered professionals, invite such number of experts and domain specialists from a foreign country, as it deems necessary, who have special knowledge of dental curriculum, practical training and pattern of examination including licentiate examination of that country, to the meetings of the Commission, in such manner as may be specified by regulations.

**9.** (1) The Commission shall meet at least once every quarter at such time and place as may be appointed by the Chairperson.

Meetings,  
etc., of  
Commission.

(2) The Chairperson shall preside at the meeting of the Commission and if, for any reason, the Chairperson is unable to attend the meeting of the Commission, any other Member, being the President of an Autonomous Board, nominated by the Chairperson, shall preside at the meeting.

(3) Unless the procedure to be followed at the meetings of the Commission is otherwise provided by regulations, one-half of the total number of Members of the Commission including the Chairperson shall constitute the quorum and all the acts of the Commission shall be decided by a majority of the members present and voting and in the event of equality of votes, the Chairperson, or in his absence, the President of the Autonomous Board nominated under sub-section (2), shall have the casting vote.

(4) The general superintendence, direction and control of the administration of the Commission shall vest in the Chairperson.

(5) No act done by the Commission shall be questioned on the ground of the existence of a vacancy in, or a defect in the constitution of, the Commission.

**10.** (1) The Commission shall, for ensuring coordinated and integrated development of education and maintenance of the standards of delivery of services, take all such steps, as it may think fit, and revise the same periodically, as may be specified by regulations.

Powers and  
functions of  
Commission.

(2) The Commission shall perform the following functions, namely:—

(a) lay down policies and regulate standards for the governance of dental education, examination and training and make necessary regulations in this behalf;

(b) promote adoption of additional degrees or diplomas, higher qualifications, including certification courses and development of soft skills for advancement of career of the dentists and dental auxiliaries;

(c) regulate dental institutions, dental researches, dentists and dental auxiliaries and make necessary regulations in this behalf;

(d) ensure that all admissions to undergraduate dental course, namely, Bachelor of Dental Surgery in all dental institutions which are governed by the provisions of this Act or any other law for the time being in force, shall be through National Eligibility-cum-Entrance Test conducted under section 14 of the National Medical Commission Act, 2019;

(e) to identify and regulate any other category of dental auxiliaries;

(f) to collaborate with industry and institutions for use of cutting-edge technology and hybrid education to drive innovation and research in the field of dental education and examinations and make necessary regulations in this behalf;

(g) assess the requirements in dental healthcare, including human resources for dental health, career progression of dentists and dental auxiliaries and healthcare infrastructure and develop a road map for meeting such requirements;

(h) promote, coordinate and frame guidelines and lay down policies by making necessary regulations for the proper functioning of the Commission, the Autonomous Boards, the Dental Advisory Council, the State Dental Councils and the Joint Dental Councils;

(i) ensure coordination among the Autonomous Boards;

(j) take such measures, as may be necessary, to ensure compliance by the State Dental Councils of the guidelines framed and regulations made under this Act for their effective functioning under this Act;

(k) exercise appellate jurisdiction with respect to the decisions of the Autonomous Boards;

(l) promote preventive dental care services;

(m) lay down policies and codes to ensure observance of professional ethics in dental profession and to promote ethical conduct during the provision of care by dentists;

(n) frame guidelines for determination of fees and all other charges in respect of fifty per cent. of seats in private dental institutions and deemed to be Universities which are governed under the provisions of this Act;

(o) take measures to enhance skills and competency of registered professionals for facilitating global mobility;

(p) exercise such other powers and perform such other functions as may be prescribed.

(3) The Commission may delegate such of its functions (except the power to make regulations) to the Autonomous Boards as it may deem necessary.

(4) The Commission may give such directions, as may deem necessary, to a State Council for carrying out all or any of the provisions of this Act and the State Council shall comply with such directions.

(5) All orders and decisions of the Commission shall be authenticated by the signature of the Secretary.

(6) The Commission may delegate such of its powers of administrative and financial matters, as it deems fit, to the Secretary.

(7) The Commission may constitute sub-committees and delegate such of its powers to such sub-committees as may be necessary to enable them to accomplish specific tasks.

## CHAPTER III

## DENTAL ADVISORY COUNCIL

**11.** (1) The Central Government shall constitute an advisory body to be known as the Dental Advisory Council.

Constitution and composition of Dental Advisory Council.

(2) The Council shall consist of a Chairperson and the following members, namely:—

(a) the Chairperson of the Commission shall be the *ex officio* Chairperson of the Council;

(b) every *ex officio* member of the Commission appointed under sub-section (3) of section 4, and the part-time members appointed under clauses (a) and (d) of sub-section (4) of that section, shall be the *ex officio* members of the Council;

(c) one member to represent each State, who is the Dean or Principal of a Government Dental College in that State, to be nominated by that State Government:

Provided that the term of office of the member shall continue as long as he holds the post by virtue of which he has been nominated, subject to a maximum of four years;

(d) one member to represent each Union territory, who is the Dean or Principal of a Government Dental College in that Union territory, to be nominated by the Ministry of Home Affairs in the Government of India:

Provided that the term of office of the member shall continue as long as he holds the post by virtue of which he has been nominated, subject to a maximum of four years:

Provided further that if there is no Government Dental College in any State or Union territory, the State Government or in case of a Union territory, the Ministry of Home Affairs shall nominate a member possessing such dental qualifications and experience, as may be prescribed;

(e) one member to represent each State and each Union territory from amongst the members of the State Dental Council, to be nominated by that State Dental Council for a term of four years and shall not be eligible for any extension or reappointment:

Provided that if such member ceases to be a member of the State Dental Council before the completion of his four year term, then, he shall cease to be a member of the Dental Advisory Council as well, and in such an eventuality, the State Dental Council shall nominate another member to represent that State or Union territory, as the case may be, for the remaining term of office of the member in whose place he is so nominated;

(f) the Chairman, University Grants Commission;

(g) the Director, National Assessment and Accreditation Council;

(h) three members to be nominated by the Central Government from amongst persons holding the post of Director in the institutions of national importance or Vice-Chancellor in the Universities;

(i) Director General of Indian Council for Medical Research or his nominee not below the rank of Scientist 'H';

(j) Director General Dental Services, Army Dental Corps or nominee.

**12.** (1) The Council shall be the primary platform through which the States and Union territories may put forth their views and concerns before the Commission and help in shaping the overall agenda, policy and action relating to dental education and training.

Functions of Dental Advisory Council.

(2) The Council shall advise the Commission on measures to determine and maintain, and to coordinate maintenance of, the minimum standards in all matters relating to dental education, training and research.

(3) The Council shall advise the Commission on measures to enhance equitable access to dental education and uniform system of examination.

Meetings of  
Dental  
Advisory  
Council.

**13.** (1) The Council shall meet at least once a year at such time and place as may be decided by the Chairperson.

(2) The Chairperson shall preside at the meeting of the Council and if for any reason the Chairperson is unable to attend a meeting of the Council, such other member as nominated by the Chairperson shall preside over the meeting.

(3) Unless the procedure is otherwise provided by regulations, fifty per cent. of the members of the Council including the Chairperson shall form the quorum and all acts of the Council shall be decided by a majority of the members present and voting.

#### CHAPTER IV

##### NATIONAL EXAMINATION

National  
Eligibility-cum-  
Entrance Test.

**14.** (1) All admissions to the undergraduate course of Bachelor of Dental Surgery in all dental institutions which are governed by the provisions of this Act or any other law for the time being in force shall be through National Eligibility-cum-Entrance Test conducted under section 14 of the National Medical Commission Act, 2019.

30 of 2019.

(2) Till such time as the National Exit Test (Dental) becomes operational under section 15, all admissions to the postgraduate courses of Master of Dental Surgery in all dental institutions which are governed by the provisions of this Act or any other law for the time being in force shall be through National Eligibility-cum-Entrance Test (MDS) to be conducted by the designated authority appointed by the Central Government.

(3) The Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to undergraduate and postgraduate seats in all the dental institutions which are governed by the provisions of this Act:

Provided that the designated authority appointed or nominated by the Central Government shall conduct the common counselling for all India seats and the designated authority of the State Government shall conduct the common counselling for the seats at the State level.

#### CHAPTER V

##### NATIONAL EXIT TEST (DENTAL)

National Exit  
Test (Dental).

**15.** (1) A common final year undergraduate dental examination, to be known as the 'National Exit Test (Dental)' shall be held for granting licence to practice dentistry as dentists and for enrolment in the State Register or the National Register, as the case may be.

(2) The Commission shall conduct the National Exit Test (Dental) through such designated authority and in such manner as may be specified by regulations.

(3) The National Exit Test (Dental) shall become operational on such date, within three years from the date of commencement of this Act, as may be appointed by the Central Government, by notification.

(4) Any person with a foreign dental qualification shall have to qualify National Exit Test (Dental) for the purpose of obtaining licence to practice dentistry as dentist and for enrolment in the State Register or the National Register, as the case may be, in such manner as may be specified by regulations.

(5) The National Exit Test (Dental) shall be the basis for admission to the postgraduate dental education in dental institutions which are governed under the provisions of this Act



or under any other law for the time being in force and shall be done in such manner as may be specified by regulations.

(6) The Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to the postgraduate seats in the dental institutions referred to in sub-section (5).

(7) The designated authority of the Central Government shall conduct the common counselling for All India seats and the designated authority of the State Government shall conduct the common counselling for the seats at the State level.

## CHAPTER VI

### AUTONOMOUS BOARDS

**16.** (1) The Central Government shall, by notification, constitute the following Autonomous Boards, under the overall supervision of the Commission, to perform the functions assigned to such Boards under this Act, namely:—

Constitution  
of  
Autonomous  
Boards.

(a) the Under-Graduate and Post-Graduate Dental Education Board;

(b) the Dental Assessment and Rating Board; and

(c) the Ethics and Dental Registration Board.

(2) Every Autonomous Board shall carry out its functions under this Act in such manner as may be specified by regulations.

**17.** (1) Every Autonomous Board shall consist of a President, not more than two whole-time Members and not more than two part-time Members.

Composition  
of  
Autonomous  
Boards.

(2) The President of each Autonomous Board, two whole-time Members and one part-time Member of the Under-Graduate and Post-Graduate Dental Education Board, and one whole-time Member and one part-time Member of the Dental Assessment and Rating Board and of the Ethics and Dental Registration Board, shall be persons of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of dentistry from any University and having hands-on clinical experience of not less than fifteen years, out of which at least seven years shall be as a leader in the area of dental education.

(3) The second whole-time Member of the Dental Assessment and Rating Board shall be a person of outstanding ability and integrity, possessing a postgraduate degree in any of the disciplines of management, quality assurance, law or science and technology from any University, having experience of not less than fifteen years in such field, out of which at least seven years shall be as a leader.

(4) The second whole-time Member of the Ethics and Dental Registration Board shall be a person of outstanding ability who has demonstrated public record of work on dental or medical ethics or a person of outstanding ability possessing a postgraduate degree in any of the disciplines of quality assurance, public health, law or patient advocacy from any University and having experience of not less than fifteen years in such field, out of which at least seven years shall be as a leader.

(5) The second part-time Member of the Under-Graduate and Post-Graduate Dental Education Board, the Dental Assessment and Rating Board and the Ethics and Dental Registration Board shall be chosen from amongst the Members appointed under clause (c) of sub-section (4) of section 4 in such manner as may be prescribed.

**18.** The Central Government shall appoint the President and Members of the Autonomous Boards, except Members referred to in sub-section (5) of section 17, on the recommendations made by the Search-cum-Selection Committee constituted under section 5 in accordance with the procedure specified in that section.

Search-cum-  
Selection  
Committee for  
appointment  
of President  
and Members.

Term of office and conditions of service of President and Members.

**19.** (1) The President and Members (other than part-time Members) of each Autonomous Board shall hold the office for a term not exceeding four years and shall not be eligible for any extension or reappointment:

Provided that part-time Members of each Autonomous Board shall hold the office for a term of two years:

Provided further that the President or a Member shall cease to hold office after attaining the age of seventy years.

(2) The salaries and allowances payable to, and other terms and conditions of service of the President and Members (other than part-time Members) of an Autonomous Board shall be such as may be prescribed:

Provided that part-time Members of each Autonomous Board shall be entitled for such allowances as may be prescribed.

(3) The provisions of sub-sections (3), (5), (6) and (7) of section 6 relating to other terms and conditions of service of, and section 7 relating to removal from the office of, the Chairperson and Members of the Commission shall also be applicable to the President and Members of the Autonomous Boards.

Advisory committees of experts.

**20.** (1) Each Autonomous Board, except the Ethics and Dental Registration Board, shall be assisted by such advisory committees of experts as may be constituted by the Commission for the efficient discharge of the functions of such Boards under this Act:

Provided that the advisory committee for the Under-Graduate and Post-Graduate Dental Education Board shall also have at least one member from amongst personnel of each category of the dental auxiliaries to be nominated by the Chairperson of the Commission, in such manner as may be specified by regulations.

(2) The Ethics and Dental Registration Board shall be assisted by such ethics committees of experts as may be constituted by the Commission for the efficient discharge of the functions of that Board under this Act.

Staff of Autonomous Boards.

**21.** The experts, consultants, professionals, officers and other employees appointed under section 8 shall be made available to the Autonomous Boards in such number, and in such manner, as may be specified by regulations by the Commission:

Provided that the experts and domain specialists from foreign countries invited by the Commission under sub-section (8) of section 8 shall also be made available to the Autonomous Boards in such number and manner, as may be specified by regulations.

Meetings, etc., of Autonomous Boards.

**22.** (1) Every Autonomous Board shall meet at least once every month, or earlier, as the case may be, at such time and place as it may appoint.

(2) All decisions of the Autonomous Boards shall be made by majority of votes of the President and Members.

(3) Subject to the provisions of section 28, a person who is aggrieved by any decision of an Autonomous Board may prefer an appeal to the Commission against such decision within thirty days of the communication of such decision; and the Commission shall, after giving an opportunity of being heard, dispose of the appeal within a period of sixty days from the date of such appeal:

Provided that the President of the concerned Board shall not attend proceedings of the hearing of the appeal made against the decision of his Board.

Powers of Autonomous Boards and delegation of powers.

**23.** (1) The President of each Autonomous Board shall have such administrative and financial powers as may be delegated to it by the Commission to enable such Board to function efficiently.

(2) The President of an Autonomous Board may further delegate any of his powers to a Member or an officer of that Board, and such person shall exercise his powers subject to the general control, supervision and direction of the President.

**24.** (1) The Under-Graduate and Post-Graduate Dental Education Board shall perform the following functions, namely: —

Powers and functions of Under-Graduate and Post-Graduate Dental Education Board.

(a) determine minimum requirements and standards of dental education at undergraduate level and postgraduate level for dentists and dental auxiliaries in accordance with the regulations made under this Act, and oversee all aspects relating thereto;

(b) develop competency based dynamic curriculum at undergraduate level and postgraduate level for dentists and dental auxiliaries for addressing the needs of basic dental care services, including public dentistry and community dental care, in accordance with the provisions of regulations made under this Act with a view to develop appropriate skill, knowledge, attitude, values and ethics to provide dental care, impart dental education and conduct dental research;

(c) frame guidelines for setting up of dental institutions for imparting undergraduate courses and postgraduate courses for dentists and dental auxiliaries, having regard to the needs of the country and the global norms, in accordance with the regulations made under this Act;

(d) determine the minimum requirements and standards for conducting courses and examinations at undergraduate level and postgraduate level for dentists and dental auxiliaries in dental institutions, having regard to the needs of creativity at local levels, including designing of some courses by individual institutions, in accordance with provisions of the regulations made under this Act;

(e) determine standards and norms for infrastructure, faculty and quality of education in dental institutions providing undergraduate and postgraduate dental education for dentists and dental auxiliaries in accordance with provisions of the regulations made under this Act;

(f) facilitate development and training of faculty members teaching undergraduate courses for dentists and dental auxiliaries;

(g) facilitate research and the international student and faculty exchange programme relating to undergraduate and postgraduate dental education;

(h) specify norms for compulsory annual disclosures, electronically or otherwise, by dental institutions, in respect of their functions which have a bearing on the interest of all stakeholders, including students, faculty, State Dental Councils, Joint Dental Council, the Commission and the Central Government;

(i) grant recognition to a dental qualification at the undergraduate level and postgraduate level for dentists and dental auxiliaries.

(2) The Under-Graduate and Post-Graduate Dental Education Board shall, in the discharge of its duties, make such recommendations to, and seek such directions from, the Commission, as it deems necessary.

**25.** (1) The Dental Assessment and Rating Board shall perform the following functions, namely:—

Powers and functions of Dental Assessment and Rating Board.

(a) determine the procedure for assessing and rating the dental institutions for their compliance with the standards laid down by the Under-Graduate and Post-Graduate Dental Education Board in accordance with the regulations made under this Act;

(b) grant permission for establishment of a new dental institution, or to start any postgraduate course or to increase number of seats, in accordance with the provisions of section 28;

(c) conduct inspections of dental institutions using Information Technology based tools or otherwise for assessing and rating such institutions in accordance with the regulations made under this Act:

Provided that the Dental Assessment and Rating Board may, if it deems necessary, hire and authorise any other third party agency or accreditation body or persons for carrying out inspections of dental institutions for assessing and rating such institutions:

Provided further that where inspection of dental institutions is carried out by such third party agency or accreditation body or persons authorised by the Dental Assessment and Rating Board, it shall be obligatory on such institutions to provide access to such agency or person;

(d) conduct, or where it deems necessary, empanel independent rating agencies to conduct, inspection to assess and rate all dental institutions, within such period of their opening, and every year thereafter, at such time, and in such manner, as may be specified by regulations:

Provided that the Dental Assessment and Rating Board may conduct evaluation and assessment of any dental institution at any time, either directly or through any other expert having integrity and experience of dental profession and without any prior notice and assess and evaluate the performance, standards and benchmarks of such dental institution;

(e) make available on its website or in public domain the assessment and ratings of dental institutions at regular intervals in accordance with the regulations made under this Act;

(f) take such measures, including issuing warning, imposition of monetary penalty, reducing intake or stoppage of admissions and recommending to the Commission for withdrawal of recognition, against a dental institution for failure to maintain the minimum essential standards specified by the Under-Graduate and Post-Graduate Dental Education Board, in accordance with the regulations made under this Act:

Provided that the monetary penalty so imposed shall not be less than one-tenth, and not more than five times, of the total amount charged, by whatever name called, by such institution for one full batch of students of undergraduate course or postgraduate course, as the case may be:

Provided further that the Dental Assessment and Rating Board shall consult the Under-Graduate and Post-Graduate Dental Education Board before recommending to the Commission for withdrawal of recognition of a dental institution that fails to maintain the minimum essential standards specified by the Under-Graduate and Post-Graduate Dental Education Board.

(2) The Dental Assessment and Rating Board shall, in the discharge of its functions, make such recommendations to, and seek such directions from, the Commission, as it deems necessary.

**26. (1)** The Ethics and Dental Registration Board shall perform the following functions, namely:—

(a) maintain an online and live National Registers of all licensed dentists and dental auxiliaries in accordance with the provisions of section 30;

(b) regulate the standards, scope of practice, professional conduct and promote dental ethics in accordance with the regulations made under this Act:

Provided that the Ethics and Dental Registration Board shall ensure compliance of the code of professional and ethical conduct through the State Dental Council in a

case where such State Dental Council has been conferred power to take disciplinary actions in respect of professional or ethical misconduct by dentists under respective State Acts;

(c) approve or reject the application for registration or suspend or cancel registration or licence granted to dentists and dental auxiliaries on grounds of professional and ethical misconduct;

(d) develop mechanisms to have continuous interaction with State Dental Councils to effectively promote and regulate the conduct of dentists and professionals;

(e) exercise appellate jurisdiction under sub-section (5) of section 29 with respect to the actions taken by a State Dental Council.

(2) The Ethics and Dental Registration Board shall, in the discharge of its duties, make such recommendations to, and seek such directions from, the Commission, as it deems necessary.

**27. (1)** No person shall establish a new dental college or start any postgraduate course or increase number of seats without obtaining prior permission of the Dental Assessment and Rating Board:

Permission for establishment of new dental college or to start postgraduate course or to increase number of seats.

Provided that the Dental Assessment and Rating Board shall consult the Under-Graduate and Post-Graduate Dental Education Board before approving or disapproving such permission.

(2) For the purposes of obtaining permission under sub-section (1), a person may submit a scheme to the Dental Assessment and Rating Board in such form, containing such particulars, accompanied by such fee, and in such manner, as may be specified by regulations.

(3) The Dental Assessment and Rating Board shall, having due regard to the criteria specified in section 28, consider the scheme received under sub-section (2) and either approve or disapprove such scheme within a period of six months from the date of such receipt:

Provided that the Dental Assessment and Rating Board shall consult the Under-Graduate and Post-Graduate Dental Education Board before approving such scheme:

Provided further that before disapproving the scheme, an opportunity to rectify the defects, if any, shall be given to the person concerned.

(4) Where a scheme is approved under sub-section (3), such approval shall be the permission under sub-section (1) to establish new dental college or to start any postgraduate course or to increase number of seats, as the case may be.

(5) Where a scheme is disapproved under sub-section (3), or where no decision is taken within six months of submitting a scheme under sub-section (1), the person concerned may prefer an appeal to the Commission for approval of the scheme within fifteen days of such disapproval or, as the case may be, lapse of six months, in such manner as may be specified by regulations.

(6) The Commission shall decide the appeal received under sub-section (5) within a period of sixty days from the date of receipt of the appeal and in case the Commission approves the scheme, such approval shall be the permission under sub-section (1) to establish a new dental college or to start any postgraduate course or to increase number of seats, as the case may be, and in case the Commission disapproves the Scheme, or fails to give its decision within the specified period, the person concerned may prefer a second appeal to the Central Government within thirty days of communication of such disapproval or, as the case may be, lapse of specified period.

(7) The Dental Assessment and Rating Board may conduct evaluation and assessment of any dental institution at any time, either directly or through any other expert having

integrity and experience in dental profession, without any prior notice and assess and evaluate the performance, standards and benchmarks of such dental institution.

*Explanation.*—For the purposes of this section, the term "person" includes a University, trust or any other association of persons or body of individuals, but does not include the Central Government.

Criteria for approving or disapproving scheme.

**28.** While approving or disapproving a scheme under section 27, the Dental Assessment and Rating Board, or the Commission, as the case may be, shall take into consideration the following criteria, namely:—

(a) adequacy of financial resources;

(b) whether adequate academic faculty and other necessary facilities have been provided to ensure proper functioning of dental college or undertaken to be provided within the time-limit specified in the scheme;

(c) whether adequate hospital facilities have been provided or undertaken to be provided within the time-limit specified in the scheme;

(d) such other factors as may be specified by regulations.

## CHAPTER VII

### STATE DENTAL COUNCIL OR JOINT DENTAL COUNCIL

State Dental Council or Joint Dental Council.

**29.** (1) The State Government shall, within one year of the commencement of this Act, take necessary steps to establish a State Dental Council having the following composition, namely:—

(a) a dentist of outstanding ability, proven administrative capacity and integrity and possessing a postgraduate degree in any discipline of dentistry from any University or institute of national importance with experience of not less than twenty years in the field of dentistry, out of which at least ten years shall be as a leader, to be appointed by the State Government—Chairperson;

(b) one representative of the department of medical education or health services in the State Government not below the rank of Additional Director—Member, *ex officio*;

(c) four persons to be elected by dentists registered in the State Register from among themselves, in such manner as may be prescribed by the State Government—Members;

(d) two persons, having experience of not less than ten years in any field of dentistry from any Government Dental College in that State, to be nominated by the State Government—Members:

Provided that if the State does not have a Government Dental College, the State Government may nominate one of the senior-most dentist with minimum of ten years' service in any Government hospital or in the dental department of a Government Medical College;

(e) two persons having experience of not less than ten years in any field of dentistry from any recognised private dental college in the State, to be nominated by the State Government—Members:

Provided that if the State does not have a private dental college, the State Government may nominate one of the senior-most dentist with minimum of ten years' service in any private hospital or in the dental department of a private medical college;

(f) two persons of eminence having experience of not less than ten years in any field of dentistry, to be nominated by the State Government—Members.



(2) The State Dental Council shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the same name sue or be sued.

(3) The Chairperson of the State Dental Council and Members elected or nominated under clauses (c), (d), (e) and (f) of sub-section (1) shall hold office for a term not exceeding four years from the date on which they enter upon their office and shall not be eligible for extension or reappointment:

Provided that such person shall cease to hold office after attaining the age of seventy years.

(4) Where a State Act confers power upon the State Dental Council to take disciplinary actions in respect of any professional or ethical misconduct by a registered dentist or professional, the State Dental Council shall act in accordance with the regulations made, and the guidelines framed, under this Act:

Provided that till such time as a State Dental Council is established in a State, the Ethics and Dental Registration Board shall receive the complaints and grievances relating to any professional or ethical misconduct against a registered dentist or professional in that State in accordance with such procedure as may be specified by regulations:

Provided further that the Ethics and Dental Registration Board or the State Dental Council, as the case may be, shall give an opportunity of being heard to the dentist or professional concerned before taking any action, including imposition of any monetary penalty against such person.

(5) A registered professional or any other person who is aggrieved by any action taken by a State Dental Council under sub-section (4) may prefer an appeal to the Ethics and Dental Registration Board within sixty days against such action, and the Ethics and Dental Registration Board shall decide on the appeal within a period of sixty days and the decision, if any, of the Ethics and Dental Registration Board thereupon shall be binding on the State Dental Council, unless a second appeal is preferred under sub-section (6).

(6) A registered professional or any other person who is aggrieved by the decision of the Ethics and Dental Registration Board may prefer an appeal to the Commission within sixty days of communication of such decision and the Commission shall dispose of such appeal within a period of ninety days from the date of that appeal.

(7) Notwithstanding anything to the contrary contained in this section, two or more States Governments may enter into an agreement to constitute a Joint Dental Council with representation of the participating States, not exceeding the composition specified in sub-section (1), to be in force for such period and subject to renewal for such further period, as may be specified in the agreement.

*Explanation.*—For the purposes of this Act,—

(a) "State" includes Union territory and the expressions "State Government" and "State Dental Council", in relation to a Union territory, shall respectively mean the "Central Government" and "Union Territory Dental Council";

(b) the expression "professional or ethical misconduct" includes any act of commission or omission as may be specified by regulations.

## CHAPTER VIII

### NATIONAL REGISTER AND STATE REGISTER

**30.** (1) The Ethics and Dental Registration Board shall maintain an online and live National Register for Dentists containing the name, address, all recognised qualifications possessed by a licensed dentist and such other particulars as may be specified by regulations.

National  
Register and  
State Register.

(2) The Ethics and Dental Registration Board shall also maintain a separate online and live National Register for each category of dental auxiliaries, containing the name, address, recognised qualifications possessed by the dental auxiliaries and such other particulars as may be specified by regulations.

(3) The National Register referred to in sub-sections (1) and (2) shall be maintained in such form, including in electronic or digital form and in such manner as may be specified by regulations.

(4) The manner in which a name or qualification may be added to, or removed from, the National Register and the grounds for removal thereof, shall be such as may be specified by regulations.

(5) The National Register shall be a public document within the meaning of section 74 of the Indian Evidence Act, 1872.

1 of 1872.

(6) The National Register shall be made available to the public in form of a digital portal accessible on the website of the Ethics and Dental Registration Board in such manner and form as may be specified by regulations.

(7) Every State Dental Council shall maintain and regularly update the State Register for Dentists and the State Register for dental auxiliaries in the specified electronic format and supply a physical copy of the same to the Ethics and Dental Registration Board within three months of the commencement of this Act.

(8) The Ethics and Dental Registration Board shall ensure electronic synchronisation of the National Register and the State Registers in such manner that any change in one register is automatically reflected in the other register.

Rights of persons to have licence to practice and to be enrolled in National Register or State Register and their obligations thereto.

**31.** (1) Any person who qualifies the National Exit Test (Dental) held under section 15 shall be granted a licence to practice dentistry and shall have his name and qualifications enrolled in the National Register or a State Register, as the case may be:

Provided that a person who has been registered in the Indian Dental Register maintained under the Dentists Act, 1948 prior to the coming into force of this Act and before the National Exit Test (Dental) becomes operational under sub-section (3) of section 15, shall be deemed to have been registered under this Act and be enrolled in the National Register maintained under this Act.

16 of 1948.

(2) No person who has obtained dental qualification from a dental institution established in any country outside India and is recognised as a dentist in that country, shall, after the commencement of this Act and the National Exit Test (Dental) becomes operational under sub-section (3) of section 15, be enrolled in the National Register unless he qualifies the National Exit Test (Dental).

(3) When a person whose name is entered in the State Register or the National Register, as the case may be, obtains any title, diploma or other qualification for proficiency in sciences or public health or dentistry which is a recognised dental qualification under section 33 or section 34 or section 35, as the case may be, he shall be entitled to have such title, diploma or qualification entered against his name in the State Register or the National Register, as the case may be, in such manner as may be specified by regulations.

Bar to practice.

**32.** (1) No person other than a person who is enrolled in the State Register or the National Register, as the case may be, shall—

(a) be allowed to practice dentistry as a qualified dentist;

(b) hold office as a dentist or any other office, by whatever name called, which is meant to be held by a dentist;

(c) be entitled to sign or authenticate a medical or fitness certificate or any other certificate relating to dentistry, required by any law to be signed or authenticated by a duly qualified dentist;

1 of 1872.

(d) be entitled to give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to dentistry:

Provided that a foreign citizen who is enrolled in his country as a dentist in accordance with the law regulating the registration of dentists in that country may be permitted temporary registration in India for such period and in such manner as may be specified by regulations.

(2) Any person who contravenes any of the provisions of this section shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to five lakh rupees or with both.

## CHAPTER IX

### RECOGNITION OF DENTAL QUALIFICATIONS

**33.** (1) The dental qualification granted by any University or dental institution in India shall be listed and maintained by the Under-Graduate and Post-Graduate Dental Education Board in such manner as may be specified by regulations and such dental qualification shall be a recognised dental qualification for the purposes of this Act.

Recognition of dental qualifications granted by Universities or dental institutions in India.

(2) Any University or dental institution in India which grants an undergraduate or postgraduate dental qualification not included in the list maintained by the Under-Graduate and Post-Graduate Dental Education Board shall apply to that Board for granting recognition to such qualification.

(3) The Under-Graduate and Post-Graduate Dental Education Board shall examine the application for grant of recognition to a dental qualification within a period of six months in such manner as may be specified by regulations.

(4) Where the Under-Graduate and Post-Graduate Dental Education Board decides to grant recognition to a dental qualification, it shall include such dental qualification in the list maintained by it and also specify the date of effect of such recognition.

(5) Where the Under-Graduate and Post-Graduate Dental Education Board decides not to grant recognition to a dental qualification, the University or the dental institution concerned may prefer an appeal to the Commission for grant of recognition within sixty days of the communication of such decision, in such manner as may be specified by regulations.

(6) The Commission shall examine the appeal received under sub-section (5) within sixty days from the date of filing of appeal and after giving an opportunity of being heard, pass such orders, as it thinks fit.

(7) Where the Commission decides not to grant recognition to the dental qualification or fails to take a decision within the specified period, the University or the dental institution concerned may prefer a second appeal to the Central Government within thirty days of the communication of such decision or lapse of the specified period, as the case may be.

(8) All dental qualifications which have been recognised before the date of commencement of this Act and are included in Part I and Part II of the Schedule to the Dentists Act, 1948, shall also be recognised dental qualifications for the purposes of this Act, and shall be listed and maintained by the Under-Graduate and Post-Graduate Dental Education Board in such manner as may be specified by regulations.

16 of 1948.

**34.** (1) Any primary dental qualification or higher dental qualification which is recognised for enrolment as a dentist in a foreign country shall, in respect of a person who qualifies the National Exit Test (Dental) for primary dental qualification, or the Screening Test for higher dental qualification, be deemed to be a recognised dental qualification for the purposes of this Act.

Recognition of dental qualifications granted by dental institutions outside India.

(2) The Commission shall, for the purposes of sub-section (1), conduct Screening Test for higher dental qualification through such designated authority, and in such manner, as may be specified by regulations.

(3) All dental qualifications which have been recognised before the date of commencement of this Act and are included in Part III of the Schedule to the Dentists Act, 1948, shall also be recognised dental qualifications for the purposes of this Act, and shall be listed and maintained by the Commission in such manner as may be specified by regulations.

16 of 1948.

Recognition of dental qualifications granted by statutory or other body in India.

**35.** (1) The dental qualifications granted by any statutory or other dental body in India which are covered by the categories listed in the Schedule shall be recognised dental qualifications for the purposes of this Act.

(2) The Central Government may, on the recommendation of the Commission, and having regard to the objects of this Act, by notification, add to, or, as the case may be, omit from, the Schedule any categories of dental qualifications granted by a statutory or other body in India and on such addition, or as the case may be, omission, the dental qualifications granted by such statutory or other body in India shall be, or shall cease to be, recognised dental qualifications for the purposes of this Act.

Withdrawal of recognition granted to dental qualification granted by dental institutions in India.

**36.** (1) Where, upon receiving the recommendation from the Dental Assessment and Rating Board under section 25, or otherwise, if the Commission is of the opinion that—

(a) the courses of study and examination to be undergone in, or the proficiency required from candidates at any examination held by, a University or dental institution do not conform to the standards specified by the Under-Graduate and Post-Graduate Dental Education Board; or

(b) the standards and norms for infrastructure, faculty and quality of education in dental institution as determined by the Under-Graduate and Post-Graduate Dental Education Board are not adhered to by any University or dental institution, and such University or dental institution has failed to take necessary corrective action to maintain specified minimum standards,

the Commission may initiate action in accordance with the provisions of sub-section (2):

Provided that the Commission shall, before taking any action for *suo motu* withdrawal of recognition granted to the dental qualification awarded by a University or dental institution, impose penalty in accordance with the provisions of clause (f) of sub-section (1) of section 25.

(2) The Commission shall, after making such further inquiry as it deems fit, and after holding consultations with the concerned State Government and the authority of the concerned University or dental institution, comes to the conclusion that the recognition granted to a dental qualification ought to be withdrawn, it may, by order, withdraw recognition granted to such dental qualification and direct the Under-Graduate and Post-Graduate Dental Education Board to amend the entries against the University or dental institution concerned in the list maintained by that Board to the effect that the recognition granted to such dental qualification is withdrawn with effect from the date specified in that order.

De-recognition of dental qualifications granted by dental institutions outside India.

**37.** Where, after verification with the authority in any country outside India, the Commission is of the opinion that a recognised dental qualification granted by dental institutions outside India which is included in the list maintained by it is to be de-recognised, it may, by order, de-recognise such dental qualification and remove it from the list maintained by the Commission with effect from the date of such order.

## CHAPTER X

### GRANTS, ACCOUNTS AND AUDIT

Grants by Central Government.

**38.** The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as the Central Government may think fit.

**39.** (1) There shall be constituted a fund to be called "the National Dental Commission Fund" which shall form part of the public account of India and there shall be credited thereto—

National  
Dental  
Commission  
Fund.

(a) all fees, penalties and charges received by the Commission and the Autonomous Boards;

(b) all sums received by the Commission from such other sources as may be decided by it.

(2) The Fund shall be applied for making payment towards—

(a) the salaries and allowances payable to the Chairperson, Members appointed or nominated under clauses (a) and (d) of sub-section (4) of section (4) and the Secretary of the Commission, the Presidents and Members of the Autonomous Boards and the administrative expenses including the salaries and allowances payable to the officers and other employees of the Commission and Autonomous Boards;

(b) the expenses incurred in carrying out the provisions of this Act, including in connection with the discharge of the functions of the Commission and the Autonomous Boards.

**40.** (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed, in consultation with the Comptroller and Auditor-General of India.

Audit and  
accounts.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other persons appointed by him in connection with the audit of the accounts of the Commission shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of, and complete access to, records, books, accounts, connected vouchers and other documents and papers and to inspect the office of the Commission.

(4) The accounts of the Commission as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually by the Commission to the Central Government which shall cause the same to be laid, as soon as may be after it is received, before each House of Parliament.

**41.** (1) The Commission shall furnish to the Central Government, at such time, in such form and in such manner, as may be prescribed or as the Central Government may direct, such reports and statements, containing such particulars in regard to any matter under the jurisdiction of the Commission, as the Central Government may, from time to time, require.

Furnishing of  
returns and  
reports to  
Central  
Government.

(2) The Commission shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

## CHAPTER XI

### MISCELLANEOUS

**42.** (1) Without prejudice to the foregoing provisions of this Act, the Commission and the Autonomous Boards shall, in exercise of their powers and discharge of their functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to them from time to time:

Power of  
Central  
Government to  
give directions  
to Commission  
and  
Autonomous  
Boards.

Provided that the Commission and the Autonomous Boards shall, as far as practicable, be given an opportunity to express their views before any direction is given under this sub-section.

(2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

Power of  
Central  
Government to  
give directions  
to State  
Governments.

**43.** (1) The Central Government may give such directions on questions of policy, as it may deem necessary, to a State Government for carrying out all or any of the provisions of this Act and the State Government shall comply with such directions.

(2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

Information to  
be furnished by  
Commission  
and publication  
thereof.

**44.** (1) The Commission shall furnish such reports, copies of its minutes, abstracts of its accounts, and other information to the Central Government as that Government may require.

(2) The Central Government may publish, in such manner as it may think fit, the reports, minutes, abstracts of accounts and other information furnished to it under sub-section (1).

Obligation of  
Universities  
and dental  
institutions.

**45.** Every University and dental institution governed under this Act shall maintain a website at all times and display on its website all such information as may be required by the Commission or an Autonomous Board, as the case may be.

Completion  
of courses of  
studies in  
dental  
institutions.

**46.** (1) Notwithstanding anything contained in this Act, any student who was studying for a degree, diploma or certificate in any dental institution immediately before the commencement of this Act shall continue to so study and complete his course for such degree, diploma or certificate, and such institution shall continue to provide instructions and examination for such student in accordance with the syllabus and studies as existed before such commencement, and such student shall be deemed to have completed his course of study under this Act and shall be awarded degree, diploma or certificate under this Act.

(2) Notwithstanding anything contained in this Act, where recognition granted to a dental institution has lapsed, whether by efflux of time or by its voluntary surrender or for any other reason whatsoever, such dental institution shall continue to maintain and provide the minimum standards required to be provided under this Act till such time as all candidates who are admitted in that dental institution complete their study.

Joint sittings  
of Commission  
with relevant  
regulatory  
bodies.

**47.** The Commission shall, at least once a year, hold a meeting with the National Medical Commission, the Pharmacy Council of India, the Indian Nursing Council, National Commission for Indian System of Medicine, the National Commission for Homoeopathy and the National Commission for Allied and Healthcare Professions or the corresponding National Regulator for regulating the above professions, at such time and place as they mutually appoint, to enhance the interface between different workforce categories in modern system of medicine, develop consensus on issues and promote team based approach to healthcare delivery.

State  
Government  
to promote  
preventive  
and  
promotive  
dental care in  
rural areas.

**48.** Every State Government may, for the purposes of addressing or promoting public dentistry and community dental care in rural areas, take necessary measures to enhance the capacity of the dental professionals.



45 of 1860.

**49.** The Chairperson, Members, officers and other employees of the Commission and the President, Members and officers and other employees of the Autonomous Boards shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Chairperson, Members, officers of Commission and of Autonomous Boards to be public servants.

**50.** No suit, prosecution or other legal proceeding shall lie against the Government, the Commission or any Autonomous Board or a State Dental Council or any Committee thereof, or any officer or other employee of the Government or of the Commission acting under this Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of action taken in good faith.

**51.** No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made in this behalf by an officer authorised by the Commission or the Ethics and Dental Registration Board or a State Dental Council, as the case may be.

Cognizance of offences.

**52. (1)** If, at any time, the Central Government is of opinion that—

Power of Central Government to supersede Commission.

(a) the Commission is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) the Commission has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act,

the Central Government may, by notification, supersede the Commission for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Central Government shall give a reasonable opportunity to the Commission to show cause as to why it should not be superseded and shall consider the explanations and objections, if any, of the Commission.

(2) Upon the publication of a notification under sub-section (1) superseding the Commission,—

(a) all the Members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Commission, shall, until the Commission is re-constituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct;

(c) all property owned or controlled by the Commission shall, until the Commission is re-constituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term not exceeding six months, as it may consider necessary; or

(b) re-constitute the Commission by fresh appointment and in such case the Members who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest.

Power of  
Central  
Government  
to make rules.

**53.** (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of appointing ten Members of the Commission on rotational basis from amongst the nominees of the States and Union territories in the Dental Advisory Council under clause (b) of sub-section (4) of section 4;

(b) the manner of appointing nine members of the Commission under clause (c) of sub-section (4) of section 4;

(c) the manner of nominating two members from amongst dental faculties, under clause (d) of sub-section (4) of section 4;

(d) the salaries and allowances payable to, and other terms and conditions of service of the Chairperson and Members under sub-section (4) of section 6;

(e) the form and the manner of making declaration under sub-section (6) of section 6;

(f) the qualifications and experience to be possessed by the Secretary of the Commission under sub-section (2) of section 8;

(g) the salaries and allowances payable to, and other terms and conditions of service of the Secretary, officers and other employees of the Commission under sub-section (7) of section 8;

(h) the other powers and functions of the Commission under clause (p) of sub-section (2) of section 10;

(i) the dental qualifications and experience to be possessed by a member under the second proviso to clause (d) of sub-section (2) of section 11;

(j) the manner of choosing second part-time Members under sub-section (5) of section 17;

(k) the salaries and allowances payable to, and other terms and conditions of service of the President and Members of an Autonomous Board and the allowances payable to part-time Members under sub-section (2) of section 19;

(l) the form for preparing annual statement of accounts under sub-section (1) of section 40;

(m) the time within which, and the form and the manner in which, the reports and statements shall be furnished by the Commission under sub-section (1) of section 41;

(n) the form and the time for preparing annual report under sub-section (2) of section 41;

(o) the amount of compensation payable to employees under the proviso to sub-section (5) of section 58;

(p) any other matter in respect of which provision is to be made by rules.

Power to  
make  
regulations.

**54.** (1) The Commission may, after previous publication, by notification, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the functions to be discharged by the Secretary of the Commission under sub-section (5) of section 8;

(b) the procedure in accordance with which experts, consultants and professionals may be engaged, or the experts and domain specialists from foreign country may be invited, and the number of such experts and professionals under sub-section (8) of section 8;

(c) the procedure to be followed at the meetings of the Commission under sub-section (3) of section 9;

(d) the quality and standards to be maintained in dental education under clause (a) of sub-section (2) of section 10;

(e) the manner of regulating dental institutions, dental research, dentists and dental auxiliaries under clause (c) of sub-section (2) of section 10;

(f) the manner of functioning of the Commission, the Autonomous Boards, the State Dental Councils and the Joint Dental Councils under clause (h) of sub-section (2) of section 10;

(g) the procedure to be followed at the meetings of the Dental Advisory Council under sub-section (3) of section 13;

(h) the manner of conducting common counselling by the designated authority for admission to the undergraduate and postgraduate dental education under sub-section (3) of section 14;

(i) the designated authority, and the manner for conducting the National Exit Test (Dental) under sub-section (2) of section 15;

(j) the manner in which a person with foreign dental qualification shall qualify National Exit Test (Dental) and the manner of his enrolment in the State Register or the National Register under sub-section (4) of section 15;

(k) the manner in which admission to the postgraduate dental education shall be made on the basis of National Exit Test (Dental) under sub-section (5) of section 15;

(l) the manner of conducting common counselling by the designated authority for admission to the postgraduate dental education under sub-section (6) of section 15;

(m) the manner of nominating one member from amongst personnel of each category of the dental auxiliaries to the advisory committee for the Under-Graduate and Post-Graduate Dental Education Board under the proviso to sub-section (1) of section 20;

(n) the number of, and the manner in which, the experts, professionals, officers and other employees, including the experts and domain specialists from foreign countries invited by the Commission, under sub-section (8) of section 8 shall be made available by the Commission to the Autonomous Boards under section 21;

(o) the competency based dynamic curriculum at undergraduate level and postgraduate level under clause (b) of sub-section (1) of section 24;

(p) the manner of imparting undergraduate courses and postgraduate courses for dentists and dental auxiliaries by dental institutions under clause (c) of sub-section (1) of section 24;

(q) the minimum requirements and standards for conducting courses and examinations at undergraduate level and postgraduate level for dentists and dental auxiliaries in dental institutions under clause (d) of sub-section (1) of section 24;

(r) the standards and norms for infrastructure, faculty and quality of education at undergraduate level and postgraduate level for dentists and dental auxiliaries in dental institutions under clause (e) of sub-section (1) of section 24;

(s) the procedure for assessing and rating of dental institutions under clause (a) of sub-section (1) of section 25;

(t) the manner of carrying out inspections of dental institutions for assessing and rating such institutions under clause (c) of sub-section (1) of section 25;

(u) the manner of conducting, and the manner of empaneling independent rating agencies to conduct assessment and rating of dental institutions and the time period for such assessment and rating under clause (d) of sub-section (1) of section 25;

(v) the manner of making available on website or in public domain the assessment and ratings of dental institutions under clause (e) of sub-section (1) of section 25;

(w) the measures to be taken against a dental institution for failure to maintain the minimum essential standards under clause (f) of sub-section (1) of section 25;

(x) the manner of regulating professional conduct and promoting dental ethics under clause (b) of sub-section (1) of section 26;

(y) the form of scheme, the particulars thereof, the fee to be accompanied and the manner of submitting scheme for establishing new dental college or for starting any postgraduate course or for increasing number of seats under sub-section (2) of section 27;

(z) the manner of preferring an appeal to the Commission for approval of the scheme under sub-section (5) of section 27;

(za) the other factors under clause (d) of section 28;

(zb) the manner of taking disciplinary action by a State Dental Council for professional or ethical misconduct of registered dentist or professional and the procedure for receiving complaints and grievances by Ethics and Dental Registration Board under sub-section (4) of section 29;

(zc) the act of commission or omission which amounts to professional or ethical misconduct under clause (b) of the *Explanation* to section 29;

(zd) other particulars to be contained in the National Register for Dentists under sub-section (1) of section 30;

(ze) the particulars to be contained in the National Register for Dental Auxiliaries under sub-section (2) of section 30;

(zf) the form, including the electronic form and the manner of maintaining the National Registers, under sub-section (3) of section 30;

(zg) the manner in which any name or qualification may be added to, or removed from, the National Register and the grounds for removal thereof, under sub-section (4) of section 30;

(zh) the manner of entering the title, diploma or qualification in the State Register or the National Register, under sub-section (3) of section 31;

(zi) the period for which, and the manner in which, a foreign citizen who is enrolled in his country as a dentist may be permitted temporary registration in India, under the proviso to sub-section (1) of section 32;

(zj) the manner of listing and maintaining dental qualifications granted by a University or dental institution in India under sub-section (1) of section 33;

(zk) the manner of examining the application for grant of recognition under sub-section (3) of section 33;

(zl) the manner of including a dental qualification in the list maintained by the Board under sub-section (4) of section 33;

(zm) the manner of preferring an appeal to the Commission for grant of recognition under sub-section (5) of section 33;

(zn) the manner of listing and maintaining dental qualifications which have been granted recognition before the date of commencement of this Act under sub-section (8) of section 33;

(zo) the designated authority for conducting Screening Test for higher dental qualification, and the manner of conducting the Screening Test under sub-section (2) of section 34;

(zp) the manner of listing and maintaining dental qualifications which have been granted recognition before the date of commencement of this Act under sub-section (3) of section 34.

**55.** Every rule and every regulation made, and every notification issued, under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or notification or both Houses agree that the rule or regulation or notification should not be made, the rule or regulation or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation or notification.

Rules and regulations to be laid before Parliament.

**56.** (1) The State Government may, by notification, make rules to carry out the provisions of section 29 and section 48 of this Act.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers under sub-section (1), such rules may provide for the following matters, namely:—

(a) the salary and allowances payable to, and other conditions of service of, the Chairperson and Members of the State Dental Council and Joint Dental Council;

(b) the manner of filling up of vacancies arising in the State Dental Council and Joint Dental Council;

(c) any other matter in respect of which provision is to be made by rules.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

**57.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it be necessary, for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each house of Parliament.

**58.** (1) With effect from such date as the Central Government may appoint in this behalf, the Dentists Act, 1948 shall stand repealed and the Dental Council of India constituted under section 3 of the said Act shall stand dissolved.

Repeal and saving.

(2) Notwithstanding the repeal of the Act referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or

(c) any penalty incurred in respect of any contravention under the Act so repealed; or

(d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that Act had not been repealed.

(3) On the dissolution of the Dental Council of India, the person acting as the President and Members of the Dental Council of India holding office as such immediately before such dissolution shall vacate their respective offices and such President and Members shall be entitled to claim compensation not exceeding three months' pay and allowances for the premature termination of term of their office or of any contract of service.

(4) Every officer who has been appointed on deputation basis in the Dental Council of India shall, on its dissolution, stand reverted to his parent cadre, Ministry or Department, as the case may be.

(5) The services of other employees who have been, before the dissolution of the Dental Council of India, employed on regular basis by the Dental Council of India, shall continue for no longer than one year after the commencement of this Act, as an interim arrangement and thereafter, further continuity or otherwise of their services shall be determined by the Commission on the basis of their performance appraisal or evaluation:

Provided that such employees of the erstwhile Dental Council of India shall be entitled to such compensation which shall not be less three months' pay and allowances, as may be prescribed.

(6) Notwithstanding the repeal of the aforesaid enactment, any order made, any licence to practice issued, any registration made, any permission to start new dental college or to start higher course of studies or for increase in the admission capacity granted, any recognition of dental qualifications granted, under the Dentists Act, 1948, which are in force as on the date of commencement of this Act, shall continue to be in force till the date of their expiry for all purposes, as if they had been issued or granted under the provisions of this Act or the rules or regulations made thereunder.

16 of 1948.

Transitory  
provisions.

**59.** (1) The Commission shall be the successor in interest to the Dental Council of India including its subsidiaries or owned trusts and all the assets and liabilities of the Dental Council of India shall be deemed to have been transferred to the Commission.

(2) Notwithstanding the repeal of the Dentists Act, 1948, the educational standards, requirements and other provisions of the said Act and the rules and regulations made thereunder shall continue to be in force and operate till new standards or requirements are specified under this Act or the rules and regulations made thereunder:

16 of 1948.

Provided that anything done or any action taken as regards the educational standards and requirements under the enactment under repeal and the rules and regulations made thereunder shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.

(3) Notwithstanding the repeal of the Dentists Act, 1948, the State Council and the Joint State Council constituted respectively under section 21 and section 23 of the said Act shall continue to operate until a new State Dental Council is established by the State Government in accordance with the provisions of section 29 of this Act.

16 of 1948.



THE SCHEDULE  
(See section 35)

LIST OF CATEGORIES OF DENTAL QUALIFICATIONS GRANTED BY STATUTORY OR OTHER DENTAL  
BODY IN INDIA

Sl. No.	Categories of dental qualifications
1.	All dental qualifications granted by All India Institutes of Medical Sciences.
2.	All dental qualifications granted by the Oral Health Sciences Centre, Post Graduate Institute of Medical Education and Research, Chandigarh.
3.	All dental qualifications granted by the Jawaharlal Institute of Postgraduate Medical Education and Research, Puducherry.

## STATEMENT OF OBJECTS AND REASONS

In line with various reforms in the medical sector in the recent past, including replacement of the erstwhile Medical Council of India by the National Medical Commission through the National Medical Commission Act, 2019, reforms in the dental education and profession and its regulatory framework are considered necessary to bring it at par with the global standards.

2. An Expert Committee constituted under the Chairmanship of Dr. Ashok Utreja, Professor and Head of the Department of Oral Health Sciences, Postgraduate Institute of Medical Education and Research, Chandigarh for review of dental education and the Dentists Act, 1948 and for restructuring of the Dental Council of India, recommended for establishment of a National Dental Commission in place of the Dental Council of India and for creation of Autonomous Boards under the National Commission to oversee various functions. The Committee also recommended for a single national entrance examination, a unified exit examination and maintenance of a single electronic live National Register to be in-sync with the State Dental Registers for registration of dental professionals and dental auxiliaries.

3. The Department Related Parliamentary Standing Committee on Health and Family Welfare in their 109th Report on National Medical Commission Bill, 2017 had also *inter alia* recommended that the Department should explore the possibility of restructuring and revamping the Dental Council of India.

4. Accordingly, it is proposed to introduce the National Dental Commission Bill, 2023 which, *inter alia*, seeks to provide for—

(a) constitution of a National Dental Commission (the Commission) for development and regulation of all aspects relating to dental education, dental profession and dental institutions and a Dental Advisory Council to advise and make recommendations to the Commission;

(b) constitution of three Autonomous Boards, namely:—

(i) the Under-Graduate and Post-Graduate Dental Education Board, to regulate dental education at undergraduate and postgraduate level and to determine standards thereof;

(ii) the Dental Assessment and Rating Board, to carry out inspections, to assess and rate the dental institutions, to grant permission for establishment of new dental colleges, for starting postgraduate courses, for increasing or decreasing intake capacity and to take action against non-compliant dental institutions;

(iii) the Ethics and Dental Registration Board, to regulate professional conduct, to promote dental ethics amongst dentists and professionals and to maintain digital National Registers of all licensed dentists and dental auxiliaries;

(c) holding of a uniform National Exit Test (Dental) for granting license to practice dentistry, for enrolment in the State Register or the National Register, and for admission to postgraduate dental courses;

(d) recognition of dental qualifications granted by universities and dental institutions in India and outside India and also for recognition of dental qualifications granted by statutory and other bodies in India as listed in the Schedule;

(e) maintenance of an online and live National Register containing the name, address, recognised qualifications possessed by a licensed dentist and a separate National Register for Dental Auxiliaries;

(f) withdrawal of recognition granted to dental qualification granted by dental institutions in India and de-recognition of dental qualifications granted by dental institutions outside India;

(g) constitution of a National Dental Commission Fund for crediting fees, penalties and charges;

(h) the repeal of the Dentists Act, 1948 and for dissolution of the Dental Council of India by providing that on such dissolution,—

(i) the President and every other person appointed as the Member of the said Council shall be deemed to have vacated their respective offices and they shall be entitled to compensation not exceeding three months' pay and allowances;

(ii) the officers and employees appointed on deputation shall stand reverted to their parent cadre;

(iii) the services of other employees, employed on regular basis by the Dental Council of India, shall continue for no longer than one year after the enactment of this Act, as an interim arrangement and thereafter, further continuity or otherwise of their services shall be determined by the Commission on the basis of their performance appraisal or evaluation.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;  
*The 29th March, 2023.*

DR. MANSUKH MANDAVIYA.

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PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF  
THE CONSTITUTION OF INDIA

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**[Letter No. V.12011/01/2019-DE dated 29 March, 2023 from Dr. Mansukh Mandaviya, Minister Health and Family Welfare and Chemicals & Fertilizers to the Secretary General, Lok Sabha]**

The President, having been informed of the subject matter of the proposed National Dental Commission Bill, 2023, recommends to the House the introduction of the Bill under article 117(1) and consideration of the Bill under article 117 (3) of the Constitution.

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## FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides for constitution of the National Dental Commission to exercise the powers and to perform the functions assigned to it.

2. Sub-clause (1) of clause 4 provides for the appointment of Chairperson and Members of the Commission.

3. Sub-clause (4) of clause 6 provides for payment of salaries and allowances to the Chairperson and Members appointed under clauses (a) and (d) of sub-clause (4) of clause 4, other than *ex officio* Members.

4. Sub-clause (1) of clause 8 provides for appointment of Secretary of the Commission and sub-clause (6) thereof provides for appointment of officers and other employees of the Commission. Sub-clause (7) of said clause provides for payment of salaries and allowances to Secretary, officers and other employees of the Commission.

5. Sub-clause (1) of clause 16 provides for constitution of three Autonomous Boards. Clause 18 provides for appointment of President and Members of the Autonomous Boards. Sub-clause (2) of clause 19 provides for salaries and allowances of the President and Members of the Autonomous Boards.

6. Clause 38 provides for payment of grants to the Commission, after due appropriation made by Parliament by law in this behalf, as the Central Government may think fit.

7. Sub-clause (1) of clause 39 provides for the constitution of Fund to be called the National Dental Commission Fund which shall form part of the public account of India and all fees, penalties and charges received by the Commission and the Autonomous Boards and all sums received by the Commission from such other sources as may be decided upon by it shall be credited to the Fund and shall be applied for payment of salaries and allowances and the expenses incurred in the carrying out the provisions of the Bill.

8. Sub-clause (3) of clause 58 provides that on the dissolution of the Dental Council of India, the person acting as the President and every other Member of the Dental Council of India shall vacate their respective offices and such President and other Members shall be entitled to claim compensation, fees and allowances for the premature termination of term of their office for a period not exceeding three months. Sub-clause (5) of said clause provides that the services of other employees who have been, before the dissolution of the Dental Council of India, employed on regular basis by the Dental Council of India, shall continue for no longer than one year after the enactment of this Act, as an interim arrangement and thereafter, further continuity or otherwise of their services shall be determined by the Commission on the basis of their performance appraisal or evaluation. The proviso to the said sub-clause provides that such employees of erstwhile Dental Council of India shall be entitled to compensation which shall not be less than three months' pay and allowances.

9. The expenditure would be largely met from corpus of the existing Dental Council of India and the funds generated by the National Dental Commission. The budgetary support by the Government to the Commission and its constituent bodies is estimated not to exceed the level of the current budgetary support given to the Council. Further, as the expenditure depends on the number of meetings of the Commission, recurring or non-recurring expenditure cannot be anticipated at this stage.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause 15 of the Bill empowers the Central Government to make the National Exit Test (Dental) operational from such date, within three years from the date of commencement of this Act, as may be appointed by notification.

Sub-clause (1) of clause 16 of the Bill empowers the Central Government, by notification, to constitute the autonomous Boards under the overall supervision of the Commission, to perform the functions assigned to such Boards under this Act.

Sub-clause (2) of clause 35 of the Bill empowers the Central Government, on the recommendations of the Commission, and having regard to the objects of this Act, by notification, to add to, or, as the case may be, to omit from the Schedule, any categories of dental qualifications granted by a statutory or other body in India.

Clause 53 of the Bill empowers the Central Government to make rules *inter alia* on matters relating to (a) the manner of appointing ten Members of the Commission on rotational basis from amongst the nominees of the States and Union territories in the Dental Advisory Council; (b) the manner of appointing nine members of the Commission; (c) the manner of nominating two members from amongst dental faculties; (d) the salaries and allowances payable to, and other terms and conditions of service of the Chairperson and Members; (e) the form and the manner of making declaration of assets and liabilities by the Chairperson and member of the Commission; (f) the qualifications and experience to be possessed by the Secretary of the Commission; (g) the salaries and allowances payable to, and other terms and conditions of service of the Secretary, officers and other employees of the Commission; (h) the other powers and functions of the Commission; (i) the dental qualifications and experience to be possessed by a member; (j) the manner of choosing part-time Members from amongst the elected Members of the State Dental Council; (k) the salaries and allowances payable to, and other terms and conditions of service of the President and Members of an Autonomous Board and the allowances payable to part-time Members; (l) the form for preparing annual statement of accounts; (m) the time within which, and the form and the manner in which, the reports and statements shall be furnished by the Commission; (n) the form and the time for preparing annual report; (o) the compensation for premature termination of employment; (p) any other matter in respect of which provision is to be made by rules.

Clause 54 of the Bill empowers the Commission to make regulations after previous publications and by notification in the Official Gazette, *inter alia*, in respect of matters relating to (a) the functions to be discharged by the Secretary of the Commission; (b) the procedure in accordance with which experts, consultants and professionals may be engaged, or the experts and domain specialists from foreign country may be invited and the number of such experts and professionals; (c) the procedure to be followed at the meetings of the Commission; (d) the quality and standards to be maintained in dental education; (e) the manner of regulating dental institutions, dental research and dentist and dental auxiliaries; (f) the manner of functioning of the Commission, the Autonomous Boards and the State Dental Councils and the Joint Dental Council; (g) the procedure to be followed at the meetings of the Dental Advisory Council; (h) the manner of conducting common counselling by the designated authority for admission to the undergraduate and postgraduate dental education; (i) the designated authority, and the manner for conducting the National Exit Test (Dental); (j) the manner in which a person with foreign dental qualification shall qualify National Exit Test (Dental) and the manner of his enrolment in the State Register or the National Register; (k) the manner in which admission to the postgraduate dental education shall be made on the basis of National Exit Test (Dental); (l) the manner of conducting common counselling by the designated authority for admission to the postgraduate dental education; (m) the manner of nominating one member from amongst personnel of each category of the dental auxiliaries to the advisory committee for the Under-Graduate and Post-Graduate Dental Education Board; (n) the number of, and the manner in which, the experts, professionals, officers and other employees shall be made available by the

Commission to the Autonomous Boards; (o) the curriculum at undergraduate and postgraduate level; (p) the manner of imparting undergraduate and postgraduate courses for dentists and dental auxiliaries by dental institutions; (q) the minimum requirements and standards for conducting courses and examinations at undergraduate and postgraduate level for dentists and dental auxiliaries in dental institutions; (r) the standards and norms for infrastructure, faculty and quality of education at undergraduate and postgraduate level for dentists and dental auxiliaries in dental institutions; (s) the procedure for assessing and rating of dental institutions; (t) the manner of carrying out inspections of dental institutions for assessing and rating such institutions; (u) the manner of conducting, and the manner of empaneling independent rating agencies to conduct assessment and rating of dental institutions, the time period for such assessment and rating; (v) the manner of making available on website or in public domain the assessment and ratings of dental institutions; (w) the measures to be taken against a dental institution for failure to maintain the minimum essential standards; (x) the manner of regulating professional conduct and promoting dental ethics; (y) the form of scheme, the particulars thereof, the fee to be accompanied and the manner of submitting scheme for establishing new dental college or for starting any postgraduate course or for increasing number of seats; (z) the manner of preferring an appeal to the Commission for approval of the scheme; (za) the other factors related to criteria for approving or disapproving a scheme; (zb) the manner of taking disciplinary action by a State Dental Council for professional or ethical misconduct of registered dentist or professional and the procedure for receiving complaints and grievances by Ethics and Dental Registration Board; (zc) the act of commission or omission which amounts to professional or ethical misconduct; (zd) other particulars to be contained in the National Register for Dentists; (ze) the particulars to be contained in the National Register for Dental Auxiliaries; (zf) the form, including the electronic form and the manner of maintaining the National Registers; (zg) the manner in which any name or qualification may be added to, or removed from, the National Register and the grounds for removal thereof; (zh) the manner of entering the title, diploma or qualification in the State Register or the National Register; (zi) the period for which, and the manner in which, a foreign citizen who is enrolled in his country as a dentist may be permitted temporary registration in India; (zj) the manner of listing and maintaining dental qualifications granted by a University or dental institution in India; (zk) the manner of examining the application for grant of recognition; (zl) the manner of including a dental qualification in the list maintained by the Board; (zm) the manner of preferring an appeal to the Commission for grant of recognition; (zn) the manner of listing and maintaining dental qualifications which have been granted recognition before the date of commencement of this Act; (zo) the designated authority for conducting Screening Test for higher dental qualification, and the manner of conducting the Screening Test; (zp) the manner of listing and maintaining dental qualifications which have been granted recognition before the date of commencement of this Act.

Clause 56 of the Bill empowers the State Government to make rules *inter alia* on matters relating to (a) the salary and allowances payable to, and other conditions of service of, the Chairperson and Members of the State Dental Council and Joint Dental Council; (b) the manner of filling up of vacancies arising in the State Dental Council and Joint Dental Council; (c) any other matter in respect of which provision is to be made by rules.

The matters in respect of which rules may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.



*Notes on Clauses*

*Clause 2* defines various terms and expressions used in the Bill.

*Clause 3* provides for constitution of the National Dental Commission.

*Clause 4* provides for composition of the National Dental Commission and appointment and qualifications of its constituent Members. The Commission shall consist of a Chairperson, eight *ex officio* Members and twenty-four part-time Members.

*Clause 5* provides for composition of Search-cum-Selection Committee for appointment of the Chairperson, Members and Secretary of the Commission, and President and Members of the Autonomous Boards under the proposed Act. The Committee shall be chaired by the Cabinet Secretary and the Secretary in charge of the Ministry of Health and Family Welfare shall be the Convener Member.

*Clause 6* provides for duration of office salary and allowances, and other terms and conditions of service of the Chairperson and Members of the Commission. They shall hold office for a term not exceeding four years and shall not be eligible for extension or reappointment.

*Clause 7* provides for removal of the Chairperson and Members of the Commission.

*Clause 8* provides for appointments of Secretary, experts, professionals, officers and other employees of the Commission.

*Clause 9* provides for meetings, quorum and other ancillary matters connected to meetings of the Commission. The Commission shall meet at least once every quarter.

*Clause 10* provides for powers and functions of the Commission including, but not limited to:

(a) formulation of policies and framing of guidelines for ensuring high quality and standards in dental education and training;

(b) coordination of functioning of the Commission, Autonomous Boards and State or Joint Dental Councils;

(c) formulation of policy for regulation of dentists and dental auxiliaries;

(d) frame guidelines for determination of fees and all other charges in respect of fifty per cent. of seats in private dental institutions and deemed to be Universities which are governed under the provisions of this Act;

(e) power to delegate and form sub-committees.

*Clause 11* provides for constitution and composition of Dental Advisory Council. The Advisory Council shall be a ninety-three member body with Chairperson of the Commission as the *ex-officio* Chairperson of the Advisory Council.

*Clause 12* provides for functions of Dental Advisory Council to advise the Commission on minimum standards in dental education, training and research.

*Clause 13* provides for meetings and quorum of Dental Advisory Council. The Advisory Council shall meet at least once a year. Fifty-per cent. of the members of the Advisory Council including the Chairperson shall form the quorum.

*Clause 14* provides for National Eligibility-cum-Entrance Test for admission to undergraduate course of Bachelor of Dental Surgery in all dental institutions and admissions to post graduate courses of Master of Dental Surgery till the time National Exit Test (Dental) becomes operational. The Commission shall specify the manner of conducting common counselling by the designated authority for admission to undergraduate and postgraduate seats in all dental institutions.

*Clause 15* provides for Commission to conduct a common final year undergraduate dental examination known as the National Exit Test (Dental) for granting licence to practice dentistry which shall also be the basis for admissions to postgraduate dental education.

*Clause 16* provides for constitution of three Autonomous Boards under the overall supervision of the Commission. The three Autonomous Boards are the Undergraduate and Postgraduate Dental Education Board, Dental Assessment and Rating Board and Ethics and Dental Registration Board.

*Clause 17* provides for composition of Autonomous Boards consisting of President, not more than two whole-time members and not more than two part-time members. The second whole time member of Dental Assessment and Rating Board and Ethics and Dental Registration Board shall be from diverse background.

*Clause 18* provides for appointment of the President and Members of the Autonomous Boards based on the recommendations made by the Search-cum-Selection Committee.

*Clause 19* provides for duration of office, salary and allowances, and other terms and conditions of service of President and Members of the Autonomous Boards.

*Clause 20* provides for Advisory Committees of experts constituted by the Commission to render assistance to all Autonomous Boards except Ethics and Dental Registration Board for discharging of functions assigned under the Act. The Ethics and Dental Registration Board shall be assisted by ethics committees of experts constituted by the Commission.

*Clause 21* provides for staff of Autonomous Boards.

*Clause 22* provides for meetings of Autonomous Boards. Every Board shall meet at least once a month.

*Clause 23* provides for powers of Autonomous Boards and delegation of powers.

*Clause 24* provides for powers and functions of the Undergraduate and Postgraduate Dental Education Board including determination of standards of Dental education and examination at undergraduate level and postgraduate level, framing of guidelines for establishment of dental institutions for imparting undergraduate and postgraduate courses to dentists and dental auxiliaries, and granting of recognition to dental institutions at undergraduate and postgraduate level.

*Clause 25* provides for powers and functions of Dental Assessment and Rating Board including determining the procedure for assessing and rating of dental institutions for compliance with prescribed standards, granting of permission for establishment of new dental institutions or to start any postgraduate course or to increase number of seats and carrying out inspection for this purpose and issuing warning, imposing of monetary penalty on dental institution for failure to maintain prescribed minimum essential standards as specified by the Under-Graduate and Post-Graduate Dental Education Board.

*Clause 26* provides for powers and functions of Ethics and Dental Registration Board including maintaining an online and live National Register for all registered dentists and dental auxiliaries, regulate their professional conduct, and to develop mechanism for continuous interaction with State Dental Councils. The Board shall also regulate standards and scope of practice of registered dentists and dental auxiliaries.

*Clause 27* provides for permission for establishment of new dental institution, for starting any postgraduate course or increasing number of seats.

*Clause 28* provides for criteria for approval or disapproval of the proposal for establishment of new dental institution, starting any postgraduate course or increasing number of seats.

*Clause 29* provides for constitution and composition of State or Joint Dental Councils. The State Dental Council shall consist of twelve members including Chairperson, one *ex-officio* member and ten members.

*Clause 30* provides for the maintenance of an online and live National Register by Ethics and Dental Registration Board which shall contain the name, address and all recognised qualifications possessed by Dentists and Dental Auxiliaries. Every State Commission shall maintain State Registers. The registers will be maintained in such forms including electronic or digital form as may be specified.

*Clause 31* provides for rights of persons to have license to practice and to be enrolled in National Register or State Register.

*Clause 32* provides for Bar to practice. A person who is not enrolled in the National Register or the State Register shall not be allowed to practice dentistry. Any violation shall be punishable with imprisonment for a term which may extend to one year, or with fine of up to five lakh rupees, or with both. Foreign citizen who is enrolled in his country as a dentist may be permitted temporary registration in India in such manner as may be specified by regulations.

*Clause 33* provides for recognition of dental qualifications granted by universities or dental institutions in India. The institutions shall apply to the Undergraduate and Postgraduate Dental Education Board which shall examine the application and decide on grant of recognition. First appeal shall lie to the Commission and second appeal to the Central Government.

*Clause 34* provides for recognition of dental qualifications granted by dental institutions outside India.

*Clause 35* provides for recognition of dental qualifications granted by statutory or other bodies in India to be recognised as dental qualifications.

*Clause 36* provides for withdrawal of recognition granted to dental qualification granted by dental institutions in India.

*Clause 37* provides for de-recognition of dental qualifications granted by dental institutions outside India.

*Clause 38* provides for grants by the Central Government.

*Clause 39* provides for National Dental Commission Fund which shall form part of the public account of India. All fees, penalties and all sums received by the Commission shall form part of it. The fund shall be applied for making payments towards all expenses in the discharge of the functions of the Commission.

*Clause 40* provides for audit and accounts. The accounts of the Commission shall be audited by the Comptroller and Auditor General of India.

*Clause 41* provides for furnishing of returns and reports by the Commission to the Central Government.

*Clause 42* provides for power of Central Government to give directions to the Commission and Autonomous Boards on questions of policy.

*Clause 43* provides for power of Central Government to give directions to State Governments for carrying out provisions of this Act.

*Clause 44* provides for information to be furnished by the Commission and publication thereof.

*Clause 45* provides for obligations of Universities and dental institutions. They shall maintain a website at all times and display all such information as may be required by the Commission or an Autonomous Board.

*Clause 46* provides for completion of courses of studies in dental institutions. Students who were studying in any dental institution before the commencement of this Act shall continue to study and complete his course in accordance with syllabus and studies as

existed before the commencement of this Act. Such student shall be deemed to have completed his course of study under this Act.

*Clause 47* provides for Joint sittings of the commission with relevant regulatory bodies. The Commission shall, at least once a year, hold a meeting with the National Medical Commission, Pharmacy Council of India, Indian Nursing Council, National Commission for Indian System of Medicine, and National Commission for Allied and Healthcare Professions or the corresponding National Regulator for regulating the above professions.

*Clause 48* provides for the State Government to promote preventive and promotive dental care in rural areas.

*Clause 49* provides for Chairperson, Members, and officers of Commission and of Autonomous Boards to be public servants within the meaning of section 21 of the Indian Penal Code.

*Clause 50* provides for protection of action taken in good faith.

*Clause 51* provides for cognizance of offences by courts only upon a complaint in writing by an authorised officer of the Commission Ethics and Dental Registration Board or a State Dental Council.

*Clause 52* provides for power of Central Government to supersede Commission if it is unable to discharge the functions and duties imposed upon it or persistently defaults in complying with any direction issued by the Central Government. The Central Government may issue notifications of supersession not exceeding six months at a time.

*Clause 53* provides for power of Central Government to make rules. The Central Government may, by notification, make rules to carry out the purposes of this Act.

*Clause 54* provides for power of the Commission to make regulations. The Commission may after previous publication by notification, make regulations consistent with this Act.

*Clause 55* provides for rules, regulations and notifications to be laid before Parliament.

*Clause 56* provides for power of State Government to make rules. The State Government may, by notification, make rules to carry out the purposes of this Act.

*Clause 57* provides for power to remove difficulties. The Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act for removing the difficulty.

*Clause 58* provides for repeal and saving. The Dentists Act, 1948 shall stand repealed and the Dental Council of India shall stand dissolved from the date as may be prescribed by the Central Government. The President and every person appointed as Member of the Dental Council of India shall vacate their respective offices and be entitled for compensation. The services of employees employed on regular basis shall continue for no longer than one year as an interim arrangement, and further continuity of their services shall be determined by the Commission on the basis of performance appraisal or evaluation.

*Clause 59* provides for transitory provisions. Even after the repeal of the Dentists Act, 1948, the rules and regulations made thereunder shall continue to be in force till new rules and regulations are framed by the National Dental Commission.

## BILL NO. 91 OF 2023

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950 to modify the list of Scheduled Castes in the State of Chhattisgarh.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2023. Short title.

C.O. 19.

2. In the Constitution (Scheduled Castes) Order, 1950, in the Schedule, in Part XXIII.—  
*Chhattisgarh*, for entry 33, the following entry shall be substituted, namely:—

"33. Mahar, Mahara, Mahra, Mehar, Mehra".

Amendment  
of  
Constitution  
(Scheduled  
Castes) Order,  
1950.

## STATEMENT OF OBJECTS AND REASONS

In accordance with the provisions of clause (1) of article 341 of the Constitution, six Presidential Orders were issued specifying Scheduled Castes in respect of various States and Union territories. These Orders have been amended from time to time by Acts of Parliament under clause (2) of article 341 of the Constitution.

2. The State Government of Chhattisgarh has proposed inclusion of Mahra and Mahara communities in the list of Scheduled Castes. The Registrar General of India and the National Commission for Scheduled Castes have conveyed their concurrence to the proposed modification.

3. In order to give effect to the above change, it is necessary to amend the Constitution (Scheduled Castes) Order, 1950 in respect of the State of Chhattisgarh.

4. The Bill seeks to achieve the aforesaid objectives.

DR. VIRENDRA KUMAR.

NEW DELHI;

*The 12th July, 2023.*

## FINANCIAL MEMORANDUM

The Bill seeks to include “Mahra and Mahara” communities in the list of the Scheduled Castes for the State of Chhattisgarh. This will entail some additional recurring and non-recurring expenditure on account of benefits of schemes meant for the development of the Scheduled Castes to which the persons belonging to the newly added communities will become entitled, as a result of this Bill.

2. It is not possible to estimate the likely expenditure to be incurred on this account at this stage. However, the expenditure, if any, shall be accommodated within the approved budgetary outlay of the Government.

UTPAL KUMAR SINGH,  
*Secretary General.*